

NOTICE: Although members of the Town Council will be meeting in the Council chambers, the Council meetings are still available for members of the public to participate via Zoom or in-person.

AGENDA

CORRECTED AGENDA

DURHAM TOWN COUNCIL
MONDAY, JANUARY 9, 2023
DURHAM TOWN HALL – COUNCIL CHAMBERS

NOTE: *The Town of Durham requires 48 hours notice if special communication aids are needed.*

- I. Call to Order**
- II. Town Council grants permission for fewer than a majority of Councilors to participate remotely**
- III. Roll Call of Members.** Those members participating remotely state why it is not reasonably practical for them to attend the meeting in person
- IV. Approval of Agenda**
- V. Special Announcements**
- VI. Public Comments (*) – Please state your name and address before speaking**
- VII. Approval of Minutes – December 19, 2022**
- VIII. Councilor and Town Administrator Roundtable**
- IX. Report from the UNH Student Senate External Affairs Chair or Designee**
- X. Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*
 - A.** Shall the Town Council, upon recommendation of the Administrator, approve a 5-year utility contract to provide engineering consulting, revaluation and updates of all taxable utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027, and authorize the Administrator

- to sign a contract with Mr. Sansoucy in an amount of \$17,200 per year for said services as part of the approved FY 2023 Budget and subsequent Budgets?
- B. Shall the Town Council approve the 1st 2023 Warrant billing computed from the 4th Quarter Water and Sewer readings of 2022 totaling \$ 621,268.94, commit the bills for charges to the Tax Collector for collection, and authorize the Administrator to sign said Warrant?
 - C. Administrator's Progress Report (as of December 31, 2022) on the list of approved 2022/23 Town Council Goals adopted on May 16, 2022.
 - D. The Durham Town Council hereby ADOPTS Resolution #2023-01 to Approve the Submission of an Application to the New Hampshire Clean Water State Revolving Fund Program in the Amount of \$1,175,000 for the Madbury Road Complete Streets Sewer Main Replacement Project and Authorizing the Town Administrator to Sign Said Loan Documents?

XI. Committee Appointments - None

XII. Presentation Items - None

XIII. Unfinished Business

Continued Discussion and First Reading on Ordinance #2023-01 amending Section 175-7 "Definitions" adding a new section for Solar Energy Systems and adding a definition for Carport, amending the uses in the Table of Uses in Section 175-53 adding Solar Energy Systems, and amending Article XX "Standards for Specific Uses" Section 175-109 adding a section for Solar Energy Systems and re-lettering N "Temporary Sawmill."

XIV. New Business

- A. Begin the Administrator's Annual Performance Evaluation Process for 2022 in accordance with the Employment Agreement between the Administrator and the Town of Durham
- B. Other Business

XV. Nonpublic Session (if required)

XVI. Extended Councilor and Town Administrator Roundtable (if required)

XVII. Adjourn (NLT 10:30 PM)

(*) *The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder, are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.*



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **# 7**

DATE: January 9, 2023

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR MONDAY,
DECEMBER 19, 2022

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the Town Council meeting held on December 19, 2022. Please call or email Karen Edwards with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:

"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, December 19, 2022 (as presented/as amended).





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8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603-868-5571
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www.ci.durham.nh.us

AGENDA ITEM: #10A

DATE: January 9, 2023

COUNCIL COMMUNICATION

INITIATED BY: Jim Rice, Assessor

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A 5-YEAR UTILITY CONTRACT TO PROVIDE ENGINEERING CONSULTING, REVALUATION AND UPDATES OF ALL TAXABLE UTILITIES IN THE TOWN OF DURHAM FOR A PERIOD OF FIVE (5) YEARS FROM 2023 THRU 2027. THIS CONTRACT INCLUDES A REVALUATION OF ALL UTILITIES FOR TAX YEAR 2023, AND YEARLY UTILITY UPDATES FOR TAX YEARS 2024 THRU 2027 FOR AD VALOREM TAXATION PURPOSES, AND AUTHORIZING THE ADMINISTRATOR TO SIGN A CONTRACT WITH MR. SANSOUCY IN AN AMOUNT OF \$17,200 PER YEAR FOR SAID SERVICES AS PART OF THE APPROVED FY 2023 BUDGET AND SUBSEQUENT BUDGETS?

CC PREPARED BY: Jim Rice, Assessor

PRESENTED BY: Jim Rice, Assessor
Gail Jablonski, Finance Administrator

AGENDA DESCRIPTION:

At the June 20, 2022 Council meeting, the Town Administrator and the Assessor brought forward a 5-year utility contract from George Sansoucy, PE, LLC as a sole source vendor to provide continued engineering consulting, revaluation and updates of all taxable utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. During the meeting, it was requested by the Town Council to go out to bid requesting proposals from all other utility appraisers.

On July 15th, a Request for Proposal (see attached) for appraising public utility property, right of way(s), conduit and telephone poles was posted under classified advertisements on the Town of Durham website, the NH Municipal Association website and in Fosters Daily Democrat newspaper. An RFP was also mailed to utility appraiser Brian Fogg who was previously employed by George Sansoucy and who has recently opened his own appraisal company. Mr. Fogg declined to submit a proposal stating he had more than enough work in the States of New Hampshire and Vermont.



As a result, the Town received one proposal from George Sansoucy, PE, LLC. Included with his proposal is a contract, qualifications, and a client list of municipalities in New Hampshire utilizing Mr. Sansoucy's services (see attached).

The Town of Durham has contracted with Mr. Sansoucy since 2013 to value the taxable utilities rather than relying on the Department of Revenue's utility values. The DRA uses the "Unit Method" when valuing utilities which are conservative. Utilizing Mr. Sansoucy's utility values have produced a more accurate estimate of value, thereby generating more revenue for the town of Durham. Also, the utility companies in Durham are paying their fair share of property taxes by utilizing Mr. Sansoucy's values.

For example:

<u>Utility</u>	<u>2022 Sansoucy Utility Values</u>	<u>2022 DRA Utility Values</u>
Eversource	\$65,137,500	\$49,889,375
NH Electric Coop	\$ 23,900	\$ 13,306
Northern Utilities	\$ 5,928,100	\$ 5,725,303
	\$71,089,500	\$55,627,984

In 2022, the difference of \$15,461,516 between Sansoucy and the DRA generated an additional \$425,346 ($\$15,461,516 / \$1,000 \times \27.51) of revenue in Durham. Per RSA 83-F:9 utility companies are exempt from paying the State education portion of the tax rate under RSA 76:3.

Some smaller municipalities in New Hampshire who do not have extensive taxable utilities nor the financial resources to contract with a private utility appraiser utilize the DRA's values. Other municipalities who have contract assessing companies or have in-house assessors may utilize a utility appraisers service, may utilize the DRA's values, may value some of the utilities in-house or may use a combination. Attached is the DRA's list of utility appraisers for NH municipalities.

The purpose of this Council Communication is to request the Town Council's approval of the assessing services of George Sansoucy, PE, LLC to provide engineering consulting, revaluation, and updates of all utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. This contract includes a revaluation of all utilities for tax year 2023, and yearly utility updates for tax years 2024 thru 2027 for ad valorem taxation purposes and authorizing the Administrator to sign a contract with Mr. Sansoucy in an amount totaling \$17,200 per year contingent upon appropriation of said funds by the Town Council as part of the FY 2023 budget.

As required by Article 6 of the State of New Hampshire's Constitution, all property assessments shall be updated once every five (5) years. Mr. Sansoucy is being recommended to appraise the Town's utility properties as he was contracted by the Town of Durham from 2018 to 2022 and this proposed contract is a continuation of his services due to his vast experience in utility assessing. He is also the expert witness for

the Town of Durham's utility litigation. Consistency in methodology is important in this regard.

LEGAL AUTHORITY:

NH Constitution, Article 6. **[Valuation and Taxation]:** The public charges of government, or any part thereof, may be raised by taxation polls, estates and other classes of property, including franchises and property passing by will or inheritance; and **there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.**

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The estimated cost for assessing the utility properties is \$17,200 per year for a period of five (5) years for a grand total of \$86,000. Per section 2.7 of the proposed agreement, "The Town has the right to terminate this contract upon written notice".

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, approve the contract submitted by George Sansoucy, PE, LLC to provide engineering consulting, revaluation and updates of all taxable utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. This contract includes a revaluation of all utilities for tax year 2023, and yearly utility updates for tax years 2024 thru 2027 for ad valorem taxation purposes and authorizing the Administrator to sign a contract with Mr. Sansoucy in an amount of \$17,200 each year for the term of the contract as part of the approved 2023 Budget and subsequent budgets.



TOWN OF DURHAM

8 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8064

Date: July 15, 2022

Request for Proposal - Durham, NH

Appraisal and Annual Updating of Public Utility Property, Right of Way(s), Conduit and Telephone Poles

The Town of Durham is requesting a proposal to appraise the Market Value of the real estate assets owned by taxable Public Utilities and Telecommunications in Durham, NH. The proposal is for a full revaluation for TY 2023 and annual updating of taxable utilities and telecommunications for TY's 2024 thru 2027. Utility and telecommunication companies owning/leasing property in Durham include:

- Eversource Energy – Distribution Property
- New Hampshire Electric Coop.
- Northern Utilities, Inc.
- Use of Public Rights-of-Way (On Street)
- Eversource Energy – Transmission & General Property
- Consolidated Communications, Inc.
- Comcast Cable
- American Telephone & Telegraph (AT&T)
- Verizon Wireless (Wireless Communications)
- Independent Wireless d/b/a Sprint (Wireless Communications)
- Sprint/Sprint Spectrum (Wireless Communications)
- T-Mobile (Wireless Communications)
- AT&T (Wireless Communications)
- Electric Transmission Easements/Rights-of-Way (Off Street)

Proposals are to be submitted in a sealed envelope clearly marked *Municipal Appraisal of Public Utility Property* and will be received by the Town Assessor at the Durham Town Hall. At least two (2) copies of the proposal must be submitted, one of which must be an original signed in ink. A vendor may attach any explanatory materials, brochures, or other documents, which it may feel of use in the presentation of its proposal. The proposal shall also include a letter of transmittal, which contains the name of the person, firm or corporation submitting the proposal and the date of its presentation.

Proposals are due by August 31st, 2022, at 4 pm and will be considered for award by the Durham Town Council by September 2022.

Any correction or modification to the proposal by the vendor shall be made before the bid opening date and time, in writing. Any correction or modification must be sealed and clearly marked "Modification to Full Revaluation RFP", with the name of the proposer.

The Town reserves the right to reject all proposals, to award proposals in whole or in part, waive technicalities or informalities and to accept any proposal deemed to be in the best interest of the Town.

Vendor's proposal submission **shall contain the following:**

- a) Cover Letter. A cover letter which is signed by an authorized owner or agent of the vendor, committing the vendor's resources to complete the project on time and within the fee.
- b) Statement of Understanding. A statement confirming full understanding of the project as proposed in accordance with the Scope of Work described herein.
- c) Proof of Certification. Written certification of approval by the Department of Revenue Administration pursuant to Part 600, Administrative Rules. Each vendor, corporation, partnership, or individual must hold from the time of submission of the proposal through the completion of all work hereinafter required.
- d) Contact Information. Complete contact information of the person or persons authorized to answer questions relating to the proposal.
- e) Description of the Vendor's Qualifications. A statement describing the vendor's qualifications and experience and identifying the number of years engaged as a vendor, corporation, partnership, or individual specializing in governmental tax revaluation services.
- f) References. A complete client list, including contact information, of municipalities to which it has rendered services during the last three (3) years. At least (3) such projects shall have been performed for a municipality whose assessment list is comparable or larger than the Town of Durham.
- g) Assigned Personnel. The written qualifications of all personnel assigned to this project in the form of a résumé. Assigned personnel shall be experienced and competent appraisers who have been approved first by the NH Department of Revenue Administration and the Town of Durham for the work contemplated by this proposal.
- h) Proposed Project Completion Schedule. The vendor shall include an approximate project completion schedule recognizing the project completion date of August 1, 2023.

i) Fee Schedule.

- Broken down by task.
- Identification of reimbursable expenses.
- Fees and costs that would be charged in the event of an appeal beyond the local level.
- Time and materials option including appeals.

SELECTION CRITERIA AND RESERVATION OF RIGHTS

Proposal price shall be a consideration, but lowest dollar cost shall not be the sole criteria to be considered. Consideration in the awarding of the contract will be given to price, experience, competence, quality, personnel, the ability to meet the Town's time constraints, nature & size of the organization, and the quality of similar projects performed by the appraisal firm.

The Town of Durham reserves the right to reject any, or any part of, or all proposals; to waive informalities and technicalities and to accept the proposal that the Town deems to be in its best interest.

The Town of Durham reserves the right to undertake such investigation of the vendor as it deems necessary to evaluate qualifications. The vendor may be asked to execute releases to facilitate reference checks. Failure to execute a release if requested may result in disqualification.

SCOPE OF SERVICES

Good Faith: The Vendor shall, in good faith, use their best efforts to assist the Town of Durham in determining accurate and proper market valuations for utility properties, and will work closely with the Town's Assessor to ensure a successful project.

Public Relations: If called upon by the Town's Assessor, the vendor will assist the Town in taking measures at all stages of the project to foster and maintain good relations with the taxpayers of the Town, Town Officials, Agents, and Town Employees. Such measures may include the dissemination of information to the taxpayers via appropriate local media that will serve to inform and educate the public at large of the following points:

- Necessity of a Full Revaluation program
- Progress, status, and goals of the project
- Necessity of data collection or verification
- Necessity of property owner cooperation

Employees: The Vendor's employees shall always treat the taxpayers, residents, and Town employees with respect and courtesy. The Vendor shall take appropriate and

meaningful disciplinary measures against those employees who violate the terms of this provision.

The Town, at its sole discretion, shall have the right to request that any employee involved in the project be removed for any reason it deems appropriate or in the best interests of the Town. The Vendor shall comply with this provision upon request in writing by the Town Assessor.

The Vendor shall not employ or compensate, in any way, a Town Officer, agent, or employee or any member of the family of such officer or employee in the performance of any work under the Contract.

For the grading, classifying, appraising and data collection of all property covered by this contract, the vendor shall only employ personnel who are:

- Certified by the DRA, in accordance with New Hampshire Code of Administrative Rules, ASB 303 for the work they will be performing; and
- Approved by the Town.

Upon approval of the contract and before the update begins, the Vendor shall forward to the DRA a list of the approved employees assigned to the update project.

The Vendor shall ensure that a DRA certified assessor supervisor will be working on the revaluation 100% of the time.

All employees working outside The Town Offices or assigned office quarters will always wear an identification card, in a format acceptable to the Town's Assessor, on a conspicuous location upon their person. All employees will be required to allow close inspection of the identification by any interested taxpayer or resident upon request. Due to the COVID pandemic, employees will adhere to the CDC guidelines regarding mask wearing while inspecting the interior of properties.

Supplies, Office Space and Hours of Operation: If required, the Town of Durham shall furnish the appraisal firm with sufficient office space/furniture and allow access to telephones and other equipment, as necessary, to carry out the terms of this contract. The Assessor's office shall be open during the regular hours maintained by the Town of Durham.

Forms: All forms utilized throughout the project shall first be approved by the Town Assessor; as to format, design, content, shape, size, color, and quality. Such forms are to include, but are not limited to income and expense forms, file control forms, quality control forms, telephone log forms, incident forms, inventory content forms, and the like.

All documents, records, data, and other material, in manual, mechanized or electronic form, procured or produced in the performance of the project will be the sole property of the Town at the conclusion of the project, as determined by the Town's Assessor.

Assessor's Records: The Vendor shall use a system of parcel accounting that is acceptable to the Town. Existing information will be provided to the Vendor by the Town in an acceptable electronic manner. The Vendor will be allowed access to existing manual assessing records on the premises.

Data Collection: All data collection and updating photos where necessary, will be performed by the contractor in accordance with the revaluation procedures established by the Town's Assessor. Any parcel having had a building permit since April 1, 2023, will be reviewed by the Assessors Office with any changes recorded for the revaluation.

CAMA System: The Town of Durham utilizes Vision Assessment Software. All required data changes shall be performed by the contractor (unless otherwise specified) and reviewed by the Town Assessor.

Valuation Process: The Vendor shall assign estimates of fair market value as of the effective date of valuation for all taxable utility properties in Durham that are part of the Vendor's responsibilities. The Vendor shall also make diligent efforts to ensure uniformity in the application of influence factors and schedule assignments, as well as the accuracy of codes, classification, and data.

Notices of Value and Informal Reviews: Once preliminary values are available, notices of value will be mailed to each property owner at the expense of the Town. Taxpayers will be given an opportunity to informally discuss the value with the Vendor. A place of mutual agreement will be determined, and the Town will assist in the coordination of informal hearings.

Formal Appeals: The Vendor agrees to provide a fee schedule detailing the costs for appeals to the NH Board of Tax and Land Appeals (BTLA) or Superior Court.

Turnover: Upon final maintenance of all properties by the Vendor, no later than **August 31st, 2023 thru 2027**, the Vendor shall deliver to the Town, in completed and final form and in good order, the following deliverable products:

- a) An estimate of fair market value for all taxable utility properties situated within the Town which were appraised by the Vendor.
- b) **USPAP Compliant Final Appraisal Report** (RSA 21-J:14-b, 1, (c)). This report shall follow closely the most recent Edition of the Uniform Standards of Appraisal Practice (USPAP). The report shall contain the following sections:
 - A Letter of Transmittal.
 - A Certification Statement.
 - A section detailing the Scope of Work.
 - A section detailing sales, income, and cost approaches to value including all valuation premises.

A section including statistical analysis and testing. The Vendor shall bind the USPAP Compliant Final Appraisal Report for use as an appraisal manual. The Vendor shall instruct the Assessors in the use of the manual so that the assessors shall understand the appraisal process being utilized. Upon completion of the revaluation, the Vendor shall deliver one copy of the manual to the Assessor's Office and one copy to the Department of Revenue Administration.

The original or a copy of all records and computations, made during this project shall always be the property of the Town and upon completion of the project or termination of the contract by the Town, shall be left in good order in custody of the Town's Assessor.

Services To Be Performed By The Municipality: The Town will provide for the 2023 revaluation and the annual updates for TY's 2024 thru 2027 the following information:

- Each company's tax cards, including cell tower host sites.
- Each company's Inventory of Taxable Property Form PA-28.
- The MS-1 report(s).
- For the companies that are required to report, the companies' PA 80, 81 and 81E, and accompanying PA 84s.
- Copy of, or authorized access to, the most recent tax maps.
- Any recent building permits.
- Any current settlement agreements.
- Any PILOTs for the companies (if applicable).
- Any leases for cell towers or cellular carriers (if applicable).
- Any cell tower current use / land use change tax forms (if applicable).
- Any municipal GIS mapping indicating utility location and data.
- Pole license / franchise agreements (cable/telephone/fiber optic/attachers); and
- Most recent land valuation schedules.

CHANGES, SUBLETTING, COMPLETION DATE & TIME SCHEDULE

A. Changes and Subletting of Contract; Revisions, Modifications, Subletting

The appraisal firm shall not change, modify, assign, transfer, delegate or sublet the contract, or any interest or part therein without first receiving written approval from the Town of Durham, the Department of Revenue Administration, and the bonding Company. It shall be mutually agreed and understood that said consent by the Town shall in no way release the appraisal firm from any responsibility or liability as covered in these specifications and contract.

B. Time Schedule

The project shall start no later than thirty (30) days after execution of the contract or other schedule agreed upon by the parties in writing.

All pertinent information including supporting documentation shall be finalized and turned over to the Town no later than August 31, 2023 thru 2027.

GENERAL CONDITIONS

A. Cancellation and Material Breach

If the appraisal firm does not pay its debts as they shall become due, or if a receiver shall be appointed for its business or its assets and not voided within sixty (60) days, or if the appraisal firm shall make an assignment for the benefit of creditors, or otherwise, or if interest herein shall be sold under execution or if it shall be adjudicated insolvent or bankrupt, then and forthwith thereafter, the Town shall have the right at its option and without prejudice to its right hereunder to terminate the contract and withhold any payments due.

Should the appraisal firm fail to fulfill, in a manner deemed timely and satisfactorily to the Town, its obligation under the contract, or if the appraisal firm should violate any of the material covenants, conditions or stipulations of the contract, which failure or violation shall continue and is not cured for fifteen (15) days after written notice and description of said failure or violation is provided by the Town and is received by the appraisal firm; then the Town shall have the right to terminate the contract by giving written notice to the appraisal firm of such termination and specifying the effective date thereof, at least seven (7) days before the effective date of such termination; and the appraisal firm shall remain liable for the breach of the contract by the appraisal firm.

If this termination clause is invoked, the appraisal firm, its agents and employees shall, at the Town Assessor's direction, vacate the office space provided by the Town in an orderly fashion, leaving behind all records, properly filed, and indexed, as well as all other property of the Town, in good condition. Any funds held by the Town under the contract shall become the property of the Town to the extent necessary to reimburse the Town for its cost in obtaining another contractor and supervising the transition. To the extent that any funds held by the Town under the contract do not cover the Town's costs to obtain another contractor and to supervise the transition, the appraisal firm shall be liable to the Town to reimburse the Town for such costs. Termination of the contract and retention of funds by the town shall not preclude the Town from bringing an action against the appraisal firm requesting damages or exercising any other legal, equitable or contractual rights the Town may possess in the event of the appraisal firm's failure to perform, including but not limited to, recovery costs and attorneys' fees.

B. Excusable Delays

In no event shall either party be liable to the other for any delay or failure to perform which is due to any act of God, or actions of civil or military authorities, civil disturbance, wars, strikes, fires, natural catastrophes, or other similar causes beyond the control and without the fault or negligence of the party claiming excusable delays.

C. Deliverable Products

All documents, records, data, and other material, in manual, mechanized or electronic form, procured or produced in the performance of the project will be the sole property of the Town at the conclusion of the project, as determined by the Town Assessor.

PROTECTION OF THE TOWN

A. Bonding

The appraisal firm shall, to secure the faithful performance of the terms of the contract, furnish to the Town a Performance Surety Bond within fifteen (15) days of the execution of the contract, in the amount of the contract, such bond shall be issued by an admitted bonding company licensed to do such business in the State of New Hampshire within an A.M. Best Company rating of "A+" or better. Said bond shall be delivered to the Town prior to the commencement of actual work and shall be in a form satisfactory to and approved by the Town Attorney. This bond shall secure performance of all the appraisal firm's obligations under the contract.

B. Indemnification and Insurance

1. The appraisal firm agrees to defend and indemnify the Town against claims for bodily injury, death, and property damage, which arises during the appraisal firm's performance of the contract.
2. The appraisal firm shall not be responsible for consequential or compensatory damages arising from the late performance or non-performance of the agreement caused by circumstances, which are beyond the appraisal firm's reasonable control.
3. The appraisal firm shall maintain public liability insurance, automobile liability insurance and workmen's compensation insurance.
4. The public liability insurance shall be in the form of commercial general liability with the inclusion of contractual liability coverage and shall provide limits of:
 - a) \$1,000,000 each person.
 - b) \$1,000,000 each occurrence for bodily injury liability, and
 - c) \$1,000,000 each occurrence for property damage liability; and
- 5. The automobile liability insurance shall be in the form of comprehensive automobile liability and shall provide limits of:**
 - a) \$1,000,000 each person; and
 - b) \$1,000,000 each occurrence for bodily injury liability; and

6. The appraisal firm shall provide to the Town:

- a) Certificates of insurance, written by an insurer licensed in the State of New Hampshire, confirming the required insurance coverage shall be provided to the Town; and
- b) A thirty (30) day written notice of the cancellation or material change in the required insurance coverage.

C. Liquidated Damages

- 1. Failure of the appraisal firm to complete all work prior to the date specified herein, **August 31, 2023 thru 2027**, shall cause the appraisal firm to pay the Town **FIVE HUNDRED DOLLARS (\$500.00)** per calendar day beyond the specified date of completion. Said amount being stipulated by the parties as reasonable and not greatly disproportionate to the presumable loss or injury. Such loss or injury being real but uncertain in amount or difficult to prove, causing the parties to liquidate them in advance. For these liquidated damages only, completion of all work is defined as follows:
 - a) Complete collection and analysis of all pertinent income and expense information including all supporting documents, as it relates to the commercial property in this project.
- 2. These liquidated damages, if applied, shall be deducted from the contract price. Delays occasioned by war, strike, explosion, or acts of God or an order of court of competent jurisdiction are exempted.

D. Warranties

The appraisal firm represents and warrants that any services provided by the appraisal firm hereunder, shall be rendered in a professional manner by qualified personnel trained and skilled in the performance of the specific service involved and that the appraisal firm shall employ qualified personnel in such positions as are necessary to execute or to fulfill all the terms and conditions of the agreement and that such personnel shall possess the minimum qualifications previously stated in this document.

PAYMENT SCHEDULE

The Vendor will submit monthly itemized invoices that accurately indicate the extent and nature of the work performed by volume, street, category or in any other manner required by the Assessor. Payment shall be within thirty (30) days of invoice date.

Upon the Assessor's determination that the invoice accurately portrays the work performed during the previous month, a percentage payment, representing ninety

(90) percent of the proportion of the total work completed for that month shall be paid to the appraisal firm.

Ten (10) percent of the total contract amount shall be withheld until such time as the Assessor determines the appraisal firm has performed fully and satisfactorily all its obligations, requirements, and litigation support under the terms of the contract. All monthly progress reports and work completed will be subject to the review and approval of the Assessor.

Request for Proposal - Durham, NH
Full Revaluation of All Taxable Utility Properties in Durham

FORMAT AND CONTENTS

Proposals shall include the following information. Indicate with an (X) in the box at the left that they have been included with the proposal:

- ☐ Cover letter with a statement committing the vendor's resources to complete the project on time and within fee.
- ☐ A statement of full understanding of the project as proposed herein.
- ☐ A statement recognizing a completion date of **August 31, 2023**.
- ☐ Name, telephone number and e-mail address (if available) of person(s) to be contacted for further information and clarification. The name of a person to whom all official notices or correspondence shall be sent, and the correct mailing address of the individual.
- ☐ Listing of all municipal related work completed during the past three (3) years, including client contact, telephone number, and size of municipality (indicated by number of real estate parcels, scope of services rendered, and date completed).
- ☐ Listing of all municipal related work now underway or under contract, including client contact, telephone number, size of municipality (indicated by number of real estate parcels, scope of services rendered, and date to be completed).
- ☐ Listing of personnel to be assigned to the project including years of experience in current position and other positions, municipalities served and their roles in those revaluations. Résumés of personnel assigned along with certifications, designations, licenses, or other documentation indicating the assigned personnel meet the required minimum qualifications.
- ☐ Indication of the number of years engaged as a company, firm, corporation, partnership or individual specializing in the type of work outlined in the project.
- ☐ Estimated date of completion if prior to **August 31, 2023**.
- ☐ Sample invoice and progress report.
- ☐ Costs
 - Price Per Parcel \$ _____
 - Total Price Bid \$ _____
 - Defense of values @ local level/per parcel \$ _____
 - Defense of values @BTLA/SC/per parcel \$ _____
 - Supplemental Costs \$ _____
 - Time & Materials \$ _____

That the pricing contained in this submittal is valid until _____ (date).

☐ Addenda Acknowledgement

Receipt of _____ (No.) addenda is hereby acknowledged.

Optional additional comments by vendor _____

Respectfully submitted

Authorized Signature Date

Company Name
Proposal Printed Name of Individual Signing

Address 1 Title

Address 2 Telephone

City, State and Zip Code Fax Number

Date Submitted E-Mail Address

Person signing proposal must be a person in your company authorized to sign a contract with the Town of Durham.

_____ We are not submitting a proposal for this project, however, please continue to send us bids and proposals in the future.



Lindsey M. Stepp
Commissioner

State of New Hampshire
Department of Revenue Administration

109 Pleasant Street
PO Box 457, Concord, NH 03302-0457
Telephone 603-230-5005
www.revenue.nh.gov



Ora M. LeMere
Assistant Commissioner

December 5, 2022

RECEIVED
Town of Durham

DEC - 8 2022

Planning, Zoning
and Assessing

Jim Rice, CNHA
Assessor
8 Newmarket Road
Durham, NH 03824

Re: Right-to-know request, dated December 5, 2022

Dear Mr. Rice:

Pursuant to RSA 91-A, on December 5, 2022, the New Hampshire Department of Revenue Administration received your request for the following:

“Do you have a list of who appraises utilities in each municipality?”

Attached to this letter is the 2021 Appraisal Sheet.

Sincerely,

Peter C.L. Roth
Revenue Counsel

Enclosures

MUNICIPALITY_NAME	APPRAISAL PERSON/FIRM
Acworth	MRI
Albany	Jason Call/Norhtown Associates
Alexandria	Avitar Associates
Allenstown	AVITAR ASSOCIATES
Alstead	Brian Fogg
Alton	NHDRA
Amherst	Scott W Bartlett CNHA
Andover	Avitar Associates
Antrim	George E Sansoucy
Ashland	George E Sansoucy
Atk. & Gilmanton Acad	George E Sansoucy PE LLC
Atkinson	r.b. wood & associates, llc
Auburn	Avitar Associates of NE I
Barnstead	R.B. WOOD & ASSOCIATES, LLC
Barrington	Corcoran Consulting Assoc
Bartlett	Avitar
Bath	George Sansoucy
Beans Grant	Sancousy
Beans Purchase	George E Sansoucy PE LLC
Bedford	In-house per HB700
Belmont	George Sansoucy
Bennington	Brian D. Fogg
Benton	AVITAR ASSOCIATES
Berlin	George Sansoucy
Bethlehem	SANSOUCY ASSOCIATES
Boscawen	Avitar Associates of NE
Bow	Corcoran Consulting Associates
Bradford	Cross Country Appraisal
Brentwood	George Sansoucy
Bridgewater	George Sansoucy
Bristol	Brian Fogg
Brookfield	R. B. WOOD & ASSOCIATES
Brookline	Avitar associates of NE
Cambridge	George E Sansoucy PE LLC
Campton	NHDRA
Canaan	Granite Hill Municiple
Candia	Whitney Consulting Group
Canterbury	In house Assessor
Carroll	George E Sansoucy, PE, LLC
Center Harbor	CNP
Chandlers Purchase	George E Sansoucy PE LLC
Charlestown	Brian D. Fogg, LLC
Chatham	RODNEY WOOD
Chester	CONTRACT APPRAISER - FOGG
Chesterfield	David Marazoff, CNHA

Chichester	Avitar Associates
Claremont	George Sansoucy
Clarksville	Avitar Associates of NE
Colebrook	ASSESSORS
Columbia	George E. Sansoucy, LLC
Concord	KATHRYN TEMCHACK, DRA
Conway	CORCORAN CONSULTING
Cornish	Avitar
Crawfords Purchase	George E Sansoucy PE LLC
Croydon	Avitar Associates
Cutts Grant	George E Sansoucy PE LLC
Dalton	George E. Sansoucy, PE
Danbury	Brian Fogg
Danville	Fred Smith
Deerfield	Avitar of NE, Inc.
Deering	Avitar
Derry	WCG using RSA 72:8-d
Dix Grant	George E Sansoucy PE LLC
Dixville	George E Sansoucy PE LLC
Dorchester	Avitar
Dover	Electric & Gas are done In-house
Dublin	Avitar
Dummer	GEORGE SANSOUCY
Dunbarton	SANSOUCY
Durham	George Sansoucy
East Kingston	Avitar
Easton	Brett S. Purvis & Assoc., Gary
Eaton	NHDRA
Effingham	AVITAR
Ellsworth	Avitar
Enfield	NORMAND BERNAICHE
Epping	SANSOUCY
Epsom	M & N Assessing Services
Errol	George E Sansoucy
Ervings Grant	George E Sansoucy PE LLC
Exeter	MRI Ed Tinker
Farmington	AVITAR
Fitzwilliam	Avitar Associates
Fracestown	George Sansoucy
Franconia	Avitar
Franklin	Mark Stetson
Freedom	ROD WOOD
Fremont	SANSOUCY
Gilford	Corcoran Consulting Associates.
Gilmanton	NHDRA
Gilsum	Avitar
Goffstown	Scott W Bartlett

Gorham	George E Sansoucy
Goshen	CNP
Grafton	Avitar
Grantham	KRT Appraisal, LLC
Greenfield	Mark Stetson
Greenland	72:8d
Greens Grant	George E Sansoucy PE LLC
Greenville	Avitar
Groton	Avitar
Hadleys Purchase	George E Sansoucy PE LLC
Hales Location	Utilities
Hampstead	SANSOUCY
Hampton	2016 appraisals by Steve Traub,
Hampton Falls	AVITAR
Hancock	M & N Assessing Services, LLC
Hanover	RSA 72:8-d
Harrisville	M & N Assessing LLC
Harts Location	Gary Fournier, assessor
Haverhill	George Sansoucy, PE LLC
Hebron	Avitar Assoc. of N.E. Inc
Henniker	GEORGE SANSOUCY
Hill	R.B. WOOD & ASSOCIATES, LLC
Hillsborough	George Sansoucy, PE
Hinsdale	George E. Sansoucy
Holderness	Corcoran Consulting Inc.
Hollis	GEORGE SANSOUCY PLLC
Hooksett	Hooksett Town Assessor
Hopkinton	George Sansoucy
Hudson	George E. Sansoucy LLC
Jackson	RSA 72:8-d
Jaffrey	Ed Tinker
Jefferson	CNP
Keene	George Sansoucy
Kensington	Avitar
Kilkenny	George E Sansoucy PE LLC
Kingston	KRT Appraisal
Laconia	NHDRA
Lancaster	George Sansoucy
Landaff	SANSOUCY ASSOCIATES
Langdon	CNP
Lebanon	GEORGE SANSOUCY
Lee	CCAG - REVALUATION COMPANY
Lempster	Avitar Associates
Lincoln	George E Sansoucy
Lisbon	SANSOUCY ASSOCIATES
Litchfield	Avitar
Littleton	SANSOUCY ASSOCIATES

Livermore	George E Sansoucy PE LLC
Londonderry	GES
Loudon	Christina Murdough
Low & Burbanks Grant	George E Sansoucy PE LLC
Lyman	GES
Lyme	George E. Sansoucy, P.E.,LLC
Lyndeborough	Todd Haywood RSA 72:8-D
Madbury	Avitar Asso /New England
Madison	Avitar Associates of NE
Manchester	NHDRA
Marlborough	George E Sancoucy
Marlow	GEORGE E SANSOUCY
Martins Location	George E Sansoucy PE LLC
Mason	rsa 72:8-d/dra values or net book
Meredith	FORMULA
Merrimack	Avitar Associates
Middleton	Avitar Associates
Milan	Avitar Associates
Milford	RSA 72:8-d
Millsfield	George E Sansoucy PE LLC
Milton	Avitar
Monroe	George E. Sansoucy, PE,LL
Mont Vernon	George Sansoucy
Moultonborough	Whitney Consulting Group
Nashua	GEORGE SANSOUCY
Nelson	Avitar Associates Of NE, Inc
New Boston	George Hildum, CNHA
New Castle	Avitar
New Durham	RSA 72:8-d per Whitney Consulting
New Hampton	George E Sancousy
New Ipswich	George Sansoucy
New London	Company & Kristen McAllister
Newbury	Kristen & Company
Newfields	Rodney Wood
Newington	GEORGE E. SANSOUCY
Newmarket	Ed Tinker (MRI)
Newport	George Hildum, CNHA
Newton	NHDRA
North Hampton	MRI (ED TINKER)
Northfield	George Sancousy PE
Northumberland	George E Sancoucy
Northwood	Cross Country
Nottingham	Avitar Associates of NE
Odell	Sancousy
Orange	Avitar
Orford	RSA 72:8D
Ossipee	72:8D

Pelham	Corcoran Consulting Associates
Pembroke	George Sansoucy
Peterborough	Corcoran Consulting Associates
Piermont	Avitar
Pinkhams Grant	George E Sansoucy PE LLC
Pittsburg	Avitar
Pittsfield	Avitar Associates
Plainfield	George Hildum
Plaistow	CORCORAN CONSULTING
Plymouth	Stephan Hamilton, Whitney
Portsmouth	CITY
Randolph	Avitar Associates
Raymond	George Sansoucy
Richmond	Avitar
Rindge	KRT APPRAISAL
Rochester	Chief Assessor
Rollinsford	Avitar
Roxbury	Avitar
Rumney	George E. Sansoucy
Rye	MRI, NextEra utilized DRA 2020
Salem	GES, PE, LLC
Salisbury	Cross Country Appraisal
Sanbornton	CROSS COUNTRY
Sandown	MRI (ED TINKER)
Sandwich	George Sansoucy
Sargents Purchase	George E Sansoucy PE LLC
Seabrook	George E Sansoucy, PLLC
Second College Grant	George E Sansoucy PE LLC
Sharon	Avitar
Shelburne	Avitar Associates
Somersworth	Corcoran Consulting Associates
South Hampton	AVITAR
Springfield	Sansoucy Associates
Stark	AVITAR ASSOC OF NE, INC.
Stewartstown	AVITAR ASSOCIATES
Stoddard	George Sansoucy
Strafford	Richard Dorsett Jr. (KRT Appraisal)
Stratford	George E. Sansoucy, PE
Stratham	Christina Murdough
Success	George E Sansoucy PE LLC
Sugar Hill	Gary Fournier - Purvis & Assoc.
Sullivan	Avitar Associates of NE Inc.
Sunapee	Assessor / company
Surry	Avitar
Sutton	CNP
Swanzey	David Marazoff, CNHA
Tamworth	R. B. WOOD & ASSOCIATES, LLC

Temple	AVITAR ASSOCIATES
Thom. & Mes. Purchase	George E Sansoucy PE LLC
Thornton	Avitar Associates
Tilton	Avitar Associates
Troy	KRT APPRAISAL
Tuftonboro	George E. Sansoucy,PE,LLC
Unity	Avitar Associates
Wakefield	GEORGE E. SANSOUCY
Walpole	Avitar Associates of NE
Warner	George Sansoucy
Warren	SANSOUCY
Washington	Dave Marazoff CNHA
Waterville Valley	Whitney Consulting Group
Weare	Avitar Associates
Webster	George Sansoucy
Wentworth	Avitar Assoicates of NE
Wentworth Location	George E. Sansoucy PE LLC
Westmoreland	David Marazoff, M&N Assessing
Whitefield	George E. Sansoucy, LLC
Wilmot	Mark Stetson
Wilton	rsa 72:8-d or net book value as
Winchester	Avitar Associates of NE
Windham	NHDRA
Windsor	Avitar
Wolfeboro	RSA 72:8-d
Woodstock	George E. Sansoucy, PE, LLC

GES 2022 Clients			
Name	Contract Dates	Services	Contact
NEW HAMPSHIRE			
Antrim	2020-2024	Utility Update	Board of Selectmen
Ashland	2020-2024	Utility Update	Board of Selectmen
Bath	2022-2026	Utility Update	Board of Selectmen
Belmont	2020-2024	Utility Update	Board of Selectmen
Berlin	2020-2022	Utility Update	City Council
Bethlehem	2020-2022	Utility Update	Board of Selectmen
Brentwood	2020-2024	Utility Update	Board of Selectmen
Bridgewater	2020-2024	Utility Update	Board of Selectmen
Carroll	2020-2024	Utility Revaluation	Board of Selectmen
Claremont	2018-2023	Utility Update	City Manager
Columbia	2020-2024	Utility Update	Board of Selectmen
COOS Cty Comm.	2020-2024	Utility Update	Coos Cty Commissioners
Dalton	2018-2022	Utility Update	Board of Selectmen
Dummer	2017-2023	Utility Update	Board of Selectmen
Dunbarton	2021-2025	Utility Update	Board of Assessors
Durham	2018-2022	Utility Update	Town Council
Epping	2020-2024	Utility Update	Board of Selectmen
Errol	2019-2023	Utility Update	Board of Selectmen
Francestown	2020-2024	Utility Update	Board of Selectmen
Fremont	2020-2024	Utility Update	Board of Selectmen
Gorham	2021-2026	Utility Revaluation	Board of Selectmen
Hampstead	2019-2023	Utility Update	Board of Selectmen
Haverhill	2022-2026	Utility Update	Brigitte Codling, Town Manager
Henniker	2021-2025	Utility Update	Joseph Devine, Town Admin.
Hillsborough	2022-2026	Utility Revaluation	Laura Buono, Town Admin.
Hinsdale	2022-2026	Utility Revaluation	Jill Collins, Town Administrator
Hollis	2022-2026	Utility Revaluation	Board of Selectmen
Hopkinton	2018-2023	Utility Update	Board of Selectmen
Hudson	2022-2026	Utility Revaluation	Board of Selectmen
Keene	2021-2025	Utility Update	Elizabeth Dragon, City Manager
Lancaster	2018-2022	Utility Update	Board of Selectmen
Landaff	2020-2024	Utility Update	Board of Selectmen
Lebanon	2020-2024	Utility Revaluation	Shaun Mulholland, City Manager
Lincoln	2021-2025	Utility Update	Board of Selectmen
Lisbon	2020-2024	Utility Update	Board of Selectmen
Littleton	2020-2024	Utility Update	Board of Selectmen
Londonderry	2022	Utility Update	Michael Malaguti, Interim T.M.
Lyman	2020-2024	Utility Update	Board of Selectmen
Lyme	2021-2025	Utility Update	Board of Selectmen
Marlborough	2021-2025	Utility Update	Board of Selectmen
Marlow	2020-2024	Utility Update	Board of Selectmen
Monroe	2018-2022	Utility Update	Board of Selectmen
Mont Vernon	2020-2024	Utility Update	Board of Selectmen
Nashua	2019-2024	Utility Update	Kimberly Kleiner, Admin. Services
New Hampton	2020-2024	Utility Update	Board of Selectmen
New Ipswich	2019-2023	Utility Update	Board of Assessors
Newington	2022	Utility Update	Board of Selectmen
Northfield	2022-2026	Utility Revaluation	Ken Robichaud, Town Admin.
Northumberland	2018-2022	Utility Update	Board of Selectmen
Pembroke	2022	Utility Update	David Jodoin, Town Administrator
Plymouth	2018-2022	Utility Update	Board of Selectmen
Raymond	2021-2025	Utility Update	Board of Selectmen
Rumney	2019-2023	Utility Update	Board of Selectmen
Salem	2020-2024	Utility Update	Chris Dillon, Town Manager
Sandwich	2019-2023	Utility Update	Board of Selectmen
Seabrook	2021-2025	Utility Update	Board of Selectmen
Stoddard	2020-2024	Utility Update	Board of Assessors
Stratford	2021-2025	Utility Update	Board of Selectmen
Tuftonboro	2020-2024	Utility Update	Board of Selectmen
Wakefield	2018-2022	Utility Update	Board of Selectmen
Warner	2020-2024	Utility Update	Board of Selectmen
Warren	2022-2026	Utility Revaluation	Austin Albro, Town Manager
Webster	2020-2024	Utility Update	Board of Selectmen
Whitefield	2020-2024	Utility Update	Board of Selectmen
Woodstock	2020-2024	Utility Update	Board of Selectmen



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM:

#10B

DATE: January 9, 2023

COUNCIL COMMUNICATION

INITIATED BY:

April Talon, Town Engineer

AGENDA ITEM:

**SHALL THE TOWN COUNCIL APPROVE THE 1ST 2023
WARRANT BILLING COMPUTED FROM THE 4TH QUARTER
WATER AND SEWER READINGS OF 2022 TOTALING
\$621,268.94, COMMIT THE BILLS FOR CHARGES TO THE TAX
COLLECTOR FOR COLLECTION, AND AUTHORIZE THE
ADMINISTRATOR TO SIGN SAID WARRANT?**

CC PREPARED BY:

Karen Edwards, Administrative Assistant

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's approval is the 1st 2023 Warrant for Water and Sewer totaling \$621,268.94 in accordance with RSA 38:22 II (a) which states: "*A municipality may commit bills for charges to the Tax Collector with a warrant signed by the appropriate municipal officials requiring the Tax Collector to collect them.*" The commitment list is available for viewing in the Town Clerk-Tax Collector's Office and will be available for viewing once the warrant is approved Monday evening.

At a prior Town Council meeting Councilors Lawson and Welsh asked that additional information be included with all water and sewer warrants. Particularly how the warrant is calculated, what the usage was, and how it compares to the budget.

Water and/or sewer bills are issued quarterly and are based on meter readings which are taken at the beginning of each quarter (on or about January 1, April 1, July 1 and October 1). Bills are calculated on the actual cubic foot (CF) of water used for each account. The Durham Public Works Water Division obtains the necessary readings using an automatic meter reading system and software which collects meter data including account numbers and water meter readings. This information is uploaded into the Town's utility billing software to generate the warrant. Some accounts are water only as is the case for irrigation meters or for properties that have

a septic system. Some accounts are sewer only if they have a residential well.

The Town obtains the total number of cubic feet used and converts it to a dollar amount using the cost per cubic foot which is determined during the budget cycle. The amount of cubic feet used can fluctuate from year to year for the same period due to changes in weather (for example when there is more rain, people use less irrigation), time of year (summer versus winter), and whether UNH is in or out of session.

The charts below compare the actual water and sewer usage and fees for 2018, 2019, 2020, 2021 and the first nine months of 2022 compared to the budget.

4th QUARTER COMPARISONS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,649,592	3,703,844	3,618,242	3,883,261	3,638,779
Water – Lee Extension					47,374*
Sewer	3,439,047	3,471,692	3,436,606	3,707,154	3,451,330

*Lee Connections as of late December 2022

YEARLY COMPARISONS	ESTIMATED WATER			ACTUAL WATER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	14,391,134	\$ 6.05	\$ 870,664	14,383,549	\$ 6.05	\$ 870,205	(7,585)	(\$459)	100%
2019	14,420,835	\$ 7.08	\$ 1,020,995	14,035,194	\$ 7.08	\$ 993,692	(385,641)	(\$27,303)	97%
2020	14,853,460	\$ 7.35	\$ 1,091,729	13,863,777	\$ 7.35	\$ 1,018,988	(989,683)	(\$72,742)	93%
2021	14,853,460	\$ 7.74	\$ 1,149,658	14,427,696	\$ 7.74	\$ 1,116,704	(425,764)	(\$32,954)	97%
2022	14,304,304	\$ 8.43	\$ 1,205,853	14,231,786	\$ 8.43	\$ 1,199,740	(72,518)	(\$6,113)	99%

YEARLY COMPARISONS	ESTIMATED WATER - LEE EXTENSION			ACTUAL WATER - LEE EXTENSION			VARIANCE - LEE EXTENSION		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2022		\$ 9.69	\$ -	71,693	\$ 9.69	\$ 6,947			0%

Council Communication, 1/9/2023 – Page 3
1st Water and Sewer Warrant for 2023

YEARLY COMPARISONS	ESTIMATED SEWER			ACTUAL SEWER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	13,898,594	\$ 8.96	\$ 1,245,314	13,316,231	\$ 8.96	\$ 1,193,134	(582,363)	(\$52,180)	96%
2019	13,444,655	\$ 8.71	\$ 1,171,029	13,208,897	\$ 8.71	\$ 1,150,495	(235,758)	(\$20,535)	98%
2020	13,713,549	\$ 8.97	\$ 1,230,105	12,843,156	\$ 8.97	\$ 1,152,031	(870,393)	(\$78,074)	94%
2021	13,713,549	\$ 8.97	\$ 1,230,105	13,653,420	\$ 8.97	\$ 1,224,712	(60,129)	(\$5,393)	100%
2022	13,516,701	\$ 8.98	\$ 1,213,800	13,347,445	\$ 8.98	\$ 1,198,601	(169,256)	(\$15,199)	99%

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:

	Water \$	306,749.03
Lee Waterline Extension	Water \$	4,590.52
	Sewer \$	<u>309,929.39</u>
	Total \$	621,268.94

with interest at eight percent (8%) on all sums not paid thirty days (30) from the due date.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

Shall the Town Council Approve the 1st 2023 Warrant Billing Computed From the 4th Quarter Water and Sewer Readings of 2022 Totaling \$621,268.94, Commit the Bills for Charges to the Tax Collector for Collection, and Authorize the Administrator to Sign Said Warrant.

STATE OF NEW HAMPSHIRE
WATER/SEWER – 1st WARRANT 2023

STRAFFORD SS

To Lorrie Pitt, Collector of Water and Sewer Taxes for the Town of Durham in said County.

In the name of said State, you are directed to collect the water and sewer taxes in the list herewith committed to you, amounting in all to the sum of

Six Hundred Twenty-One Thousand Two Hundred Sixty-Eight Dollars and Ninety-Four Cents (621,268.94)

	Water \$	306,749.03
Lee Waterline Extension	Water \$	4,590.52
	Sewer \$	<u>309,929.39</u>
	Total \$	621,268.94

with interest at eight percent (8%) on all sums not paid thirty (30) days from the due date.

And we further order you to pay all monies collected to the Treasurer of said Town at least on a weekly basis.

As attested by the Town Clerk-Tax Collector, the list on the following pages is a correct list of the assessment of the 1st billing of 2023 computed from the 4th Quarter water and sewer readings of 2022.

ATTEST: _____
Lorrie Pitt, Town Clerk-Tax Collector

Given under our hands and seal at Durham this 9th day of January, 2023.

Todd I. Selig, Administrator
Per Town Council vote on 01/09/2023

Total based on warrants

	Water	Water - Lee Ext.	Sewer	
3/1/17-9/1/17	6,749,419 \$378,642.38		6,274,561 CF \$470,592.07 \$	6 months
9/1/17-3/1/18	7,283,426 \$ 440,647.32		6,815,477 CF \$ 610,666.80 \$	6 months
3/1/18-7/1/18	4,660,827 \$ 281,980.02		4,340,361 CF \$ 388,896.33 \$	4 months
7/1/18 - 10/1/18	3,645,321 \$ 220,541.94		3,264,997 CF \$ 292,543.72 \$	3 months
10/1/18 - 12/31/18	3,649,592 \$ 220,800.29		3,439,047 CF \$ 308,138.59 \$	3 months
1/1/19 - 4/1/19	3,527,540 \$ 249,749.86		3,382,932 CF \$ 294,653.35 \$	3 months
4/1/19 - 7/1/19	3,355,258 \$ 237,552.25		3,194,670 CF \$ 278,255.76 \$	3 months
7/1/19 - 10/1/19	3,448,551 \$ 244,157.42		3,159,604 CF \$ 275,201.49 \$	3 months
10/1/19 - 12/31/19	3,703,844 \$ 262,232.18		3,471,692 CF \$ 302,384.36 \$	3 months
1/1/20 - 4/1/20	3,241,246 \$ 238,231.61		3,095,327 CF \$ 277,650.80 \$	3 months
4/1/20 - 7/1/20	3,186,882 \$ 234,235.85		2,862,096 CF \$ 256,729.97 \$	3 months
7/1/20 - 10/1/20	3,817,406 \$ 280,579.34		3,449,128 CF \$ 309,386.76 \$	3 months
10/1/20 - 1/1/21	3,618,242 \$ 265,940.82		3,436,606 CF \$ 308,263.53 \$	3 months
1/1/21 - 4/1/21	3,442,141 \$ 266,421.73		3,286,030 CF \$ 294,756.92 \$	3 months
4/1/21 - 7/1/21	3,689,323 \$ 285,553.59		3,455,094 CF \$ 309,921.93 \$	3 months
7/1/21 - 10/1/21	3,412,971 \$ 264,163.92		3,205,142 CF \$ 287,501.21 \$	3 months
10/1/21 - 1/1/22	3,883,261 \$300,564.40		3,707,154 CF \$332,531.75 \$	3 months
1/1/22 - 4/1/22	3,409,428 \$287,414.79		3,292,580 CF \$295,673.72 \$	3 months
4/1/22 - 7/1/22	3,502,992 \$295,302.21		3,298,425 CF \$296,198.60 \$	3 months
7/1/22 - 10/1/22	3,680,587 \$310,273.51	24,319 \$2,356.51	3,305,110 CF \$296,798.89 \$	3 months
10/1/22 - 1/1/23	3,638,779 \$306,749.03	47,374 \$4,590.52	3,451,330 CF \$309,929.39 \$	3 months
Total Billed 2019	14,035,194 \$ 993,691.71		13,208,897 CF \$ 1,150,494.96	
Total Billed 2020	13,863,777 \$ 1,018,987.62		12,843,156 CF \$ 1,152,031.06	
Total Billed 2021	14,427,696 \$ 1,116,703.64		13,653,420 CF \$ 1,224,711.81	
Total Billed 2022	14,231,786 \$1,199,739.54	71,693 \$6,947.03	13,347,445 \$1,198,600.60	

Rates	Water	Water Lee Ext.	Sewer	
2017	5.61		7.5	per 100 cf
2018	6.05		8.96	per 100 cf
2019	7.08		8.71	per 100 cf
2020	7.35		8.97	per 100 cf
2021	7.74		8.97	per 100 cf
2022	8.43	9.69	8.98	per 100 cf

2022 ESTIMATED VS ACTUAL USAGE
January 1 - December 31, 2022

YEARLY COMPARISONS	ESTIMATED WATER			ACTUAL WATER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	14,391,134	\$ 6.05	\$ 870,664	14,383,549	\$ 6.05	\$ 870,205	(7,585)	(\$459)	100%
2019	14,420,835	\$ 7.08	\$ 1,020,995	14,035,194	\$ 7.08	\$ 993,692	(385,641)	(\$27,303)	97%
2020	14,853,460	\$ 7.35	\$ 1,091,729	13,863,777	\$ 7.35	\$ 1,018,988	(989,683)	(\$72,742)	93%
2021	14,853,460	\$ 7.74	\$ 1,149,658	14,427,696	\$ 7.74	\$ 1,116,704	(425,764)	(\$32,954)	97%
2022	14,304,304	\$ 8.43	\$ 1,205,853	14,231,786	\$ 8.43	\$ 1,199,740	(72,518)	(\$6,113)	99%

YEARLY COMPARISONS	ESTIMATED WATER - LEE EXTENSION			ACTUAL WATER - LEE EXTENSION			VARIANCE - LEE EXTENSION		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2022		\$ 9.69	\$ -	71,693	\$ 9.69	\$ 6,947			0%

Lee Connections through Dec 31, 2022

YEARLY COMPARISONS	ESTIMATED SEWER			ACTUAL SEWER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	13,898,594	\$ 8.96	\$ 1,245,314	13,316,231	\$ 8.96	\$ 1,193,134	(582,363)	(\$52,180)	96%
2019	13,444,655	\$ 8.71	\$ 1,171,029	13,208,897	\$ 8.71	\$ 1,150,495	(235,758)	(\$20,535)	98%
2020	13,713,549	\$ 8.97	\$ 1,230,105	12,843,156	\$ 8.97	\$ 1,152,031	(870,393)	(\$78,074)	94%
2021	13,713,549	\$ 8.97	\$ 1,230,105	13,653,420	\$ 8.97	\$ 1,224,712	(60,129)	(\$5,393)	100%
2022	13,516,701	\$ 8.98	\$ 1,213,800	13,347,445	\$ 8.98	\$ 1,198,601	(169,256)	(\$15,199)	99%

1st QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,593,015	3,527,540	3,241,246	3,442,141	3,409,428
Sewer	3,356,917	3,382,932	3,095,327	3,286,030	3,292,580

2nd QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,495,620	3,355,258	3,186,882	3,689,323	3,502,992
Sewer	3,255,271	3,194,670	2,862,096	3,455,094	3,298,425

3rd QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,645,321	3,448,551	3,817,406	3,412,971	3,680,587
Water - Lee Extension					24,319
Sewer	3,264,997	3,159,604	3,449,128	3,205,142	3,305,110

4th QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,649,592	3,703,845	3,618,243	3,883,261	3,638,779
Water - Lee Extension					47,374
Sewer	3,439,047	3,471,691	3,436,605	3,707,154	3,451,330

YEARLY TOTALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	14,383,548	14,035,194	13,863,777	14,427,696	14,231,786
Water - Lee Extension					71,693
Sewer	13,316,231	13,208,897	12,843,156	13,653,420	13,347,445

2022 BUDGETED VS ACTUAL EXPENDITURES**January 1 - December 31, 2022**

FUNDS	Budgeted Ending 12/31/22	Actual Ending 09/30/22	Under (Over) 2022	Percent as of 9/30/22	Percent as of 9/30/21
Water	\$1,205,145	\$892,990	\$312,155	74.1%	95.2%
Water - Lee Extension		\$2,357	(\$2,357)	0.0%	
Sewer	\$1,213,925	\$888,671	\$325,254	73.2%	97.3%

*Budgeted is determined by multiplying total 2022 by 0.75 or 9 months



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AGENDA ITEM:

#10C

DATE: January 9, 2023

COUNCIL COMMUNICATION

INITIATED BY:

Todd I. Selig, Administrator

AGENDA ITEM:

ADMINISTRATOR'S PROGRESS REPORT (AS OF DECEMBER 31, 2022) ON THE LIST OF APPROVED 2022/23 TOWN COUNCIL GOALS ADOPTED ON MAY 16, 2022.

CC PREPARED BY:

Karen Edwards, Administrative Assistant

CC PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

On Monday, May 16, 2022, the Council adopted its goals for 2022/23. In order to measure the progress of the goals adopted by Council, the Administrator believes it is important to provide the Council with periodic status reports.

Attached for the Council's information is an updated progress report prepared by the Administrator which outlines the status of each of the goals as of December 31, 2022 that were adopted in May 2022.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive progress report of the 2022/23 Town Council goals updated by the Administrator as of December 31, 2022, and provide direction, if needed.

Town of Durham
Year End Wrap Up for 2022
Todd Selig, Administrator
12/31/22

Reflecting on this past year as we move beyond the Covid-19 pandemic, Town staff, elected, and appointed officials have worked to address community needs, maintain transparency, integrity, and respect for one another, maintain the municipality's fiscal position despite competing pressures, and ensure long-term resilience.

Our Independent Auditor's most recent year-end audit (FY 2021) prepared by Melanson indicates strong financial health with no findings. In addition, Moody's Investors Services indicates that the credit position for Durham is very high quality. Our Aa2 bond rating is a little stronger than the US cities median of Aa3. Notable credit factors include a robust financial position, a very strong wealth and income profile, and an adequate tax base. It also reflects a small debt burden. The financial position of the Town was robust and identified as relatively favorable in comparison to the Aa2 rating assigned. These indices are all indicative of measured success in realizing the Town's fiscal goals.

Durham's weekly "Friday Updates" continue to keep the Town Council and members of the community informed of news and happenings in Durham. Nearly 3,500 individuals subscribe to this weekly broadcast. Our goal is to keep residents informed of local affairs so they may become engaged when issues are of interest/importance to them. Durham also continues to utilize its web site, Twitter, and Facebook presence in order to meet the demands of residents' changing preferences for information distribution. Look for a web site facelift in 2023.

Durham again received the top-ranking score in NH by the Human Rights Campaign's Municipal Equity Index relative to addressing LGBTQ concerns - 92 out of 100 points. We sponsored programming celebrating Indigenous Peoples' Day in 2019, 2020, 2021, and 2022. The Human Rights Commission also organized training around the topic of implicit bias in 2022 to give our citizen volunteer board members and staff additional skills to help make the organization as inclusive as it can be.

Durham Public Works and the Madbury Road Complete Streets Project Team are in the design phase for construction improvements to the approximately 8,200 lineal foot Madbury Road corridor, connecting Main Street in downtown Durham to Route 4. The Design phase is scheduled to continue

through 2022/2023 with the first phase of major culvert construction tentatively planned for the 2023 construction season. The Town was successful in obtaining substantial American Rescue Plan Act (ARPA) funding totaling over \$608,000 for these critical culvert and drainage improvements and continues to aggressively pursue funding for other project components, including water distribution system replacement, sewer collection system rehabilitation, and stormwater/drainage system improvements. The project team has advanced the design to address several of the issues that have been raised during two separate public forums, which include two main alternatives to address issues such as traffic calming, pedestrians, streetscape, sustainable design, and multimodal transportation.

The Durham Town Council voted 7-2 on September 13, 2021, to award a Final Design Contract to Vanasse Hagen Brustlin, Inc. (VHB) for removal of the Mill Pond Dam. Subsequently, the Town Clerk on October 18, 2021, certified a referendum petition to put the approval of the VHB final design contract to a vote of the residents of the Town of Durham. On November 1, 2021, following receipt of the referendum petition, the Council rescinded the initial September 13, 2021 contract approval that triggered the petition, and then awarded the project again but this time contingent upon the outcome of a referendum vote at the annual Town election on Tuesday, March 8, 2022. The question (Question 2) put before the voters of Durham was: *"Shall the Town reverse the action of the Town Council taken on November 1, 2021 to remove the Mill Pond Dam?"* The final referendum vote was: Yes - 596 (26%); No- 1706 (74%). The total number of votes cast on March 8, 2022 was 2365. The average turnout for a Town annual election over the last 10-years has been 1081. Subsequent to the vote, Town staff began pursuing external grant funding opportunities to support the cost of dam removal, working with the US Army Corps of Engineers and the NH Division of Historic Resources, as part of a Section 106 historic mitigation review, and planning initial engineering. It is anticipated the historic mitigation, design, wetland permitting, and contract development will be undertaken in 2023 with dam removal commencing in 2024.

As part of the 2021 Capital Improvement Plan (CIP) Durham approved a project to replace the Town's public safety core Land and Mobile Radio (LMR) communication infrastructure because it exceeds its scheduled end of life. The 2021 CIP allotted \$1,385,000 (Police - \$665,000 and Fire - \$720,000) in two lines for this project. The project was initially conceived as a direct replacement for the core infrastructure the Town purchased as part of transitioning dispatching service to the Strafford County Dispatch Center over a decade ago, but ultimately became a fully redesigned system to better suit Durham's needs. We were notified on September 30, 2022, by the US Department of Justice that the Town's application submission was approved, and funds were awarded under

the COPS Technology and Equipment Program for the LMR project in the amount of \$900,000. The \$900,000 in Federal funding will ultimately offset a significant portion of the \$1.3M overall project budget. The LMR project is now being built out over a twelve-to-eighteen-month period.

The Durham Police Department has long been certified by a professional external accreditation process through CALEA (www.calea.org) because it provides the Town with assurances that our department is engaged in providing best practices to Durham citizens as evidenced by ongoing inspections by an outside independent entity. CALEA accreditation also provides feedback from outside subject-specific professionals about new and innovative practices that may be applicable to the Durham community. With all of the national discussions surrounding police, we recognize locally that the delivery of services to the community must involve transparency and open opportunities for input and feedback. CALEA provides a comprehensive accreditation review providing a wide array of topical evaluations about the department's use of force, police discipline, bias, community engagement, and more.

This was again a busy year for Durham Parks & Recreation where the department carefully balanced the goal of offering a regular line-up of events and programs while continuously adapting plans and efforts around the ongoing challenges associated with Covid-19. Despite the challenges the department faced, it once again had a very successful year both financially and with program registrations. Welcoming aboard our first full time assistant director, Kellie DeSimone, put the department on a path to long-term sustainability.

Oyster River School District Superintendent of Schools James Morse and I continue to work to remain in regular communication with one another regarding issues of mutual interest/concern and have developed a strong and positive relationship. Construction of the new net zero, LEED Certified Middle School was a top priority and area of focus again in 2022, a project for which Durham modified traffic patterns around the facility along Dennison Avenue, Coe Drive, and Strafford Avenue.

Much work has been undertaken by Town Councilor Jim Lawson, the Energy Committee, the Town Council, and the Planning Board to date on a revamp to our zoning ordinance with respect to the topic of solar energy systems. After literally years of review, public hearings, and revisions, the Town Council is poised to take up the most recent suite of draft changes to consider in January 2023.

With the help of UNH Sustainability Fellows, Durham has completed our first Climate Action Plan (CAP), a requirement of the Town's membership with

the Global Covenant of Mayors for Climate and Energy. This plan outlines mitigation and adaptation actions, measure how much each action will contribute to Durham meeting its mitigation and adaptation goals and includes a plan for implementing the actions. Mitigation actions focus on reducing the Town's greenhouse gas emissions (GHG), while adaptation actions focus on adapting Durham to climate change impacts. The plan establishes a clear course of action for local efforts toward a reduction in GHG emissions of 2019 levels by 42.8% by 2030 and achieving zero emissions by 2050. Strategies were based on local community input as well as research into best practices being pursued in communities across the state, region, nation, and the globe. The Town will report on progress and update the action strategies every two years. It is important to note that while UNH and the Town are making concrete efforts to reduce their GHG emissions, it is largely up to community members whether or not we meet our goals.

The Energy Committee and staff have also made numerous strides in our local sustainability efforts, in particular shepherding an initiative for the Town to join the Community Power Coalition of New Hampshire (CPCNH) to work toward providing wider accessibility of green energy for our community's residential and business electric utility customers and working to assist Durham residents and business owners make the built environment more energy efficient, thereby reducing overall emissions.

The Integrated Waste Management Advisory Committee (IWMAC) and our DPW staff are working on a variety of initiatives associated with reducing solid waste generation, increasing recycling participation, and supporting composting. As part of our upcoming planned DPW solid waste collection vehicle replacement program in 2024/25, we are contemplating a transition to a volume-based collection system in which each household would be issued a standard size solid waste collection container for trash and another for recycling. DPW would then accept solid waste -- limiting trash materials collected curbside to what can fit within the issued standard-size receptacle -- utilizing new collection vehicles equipped with hydraulic arms to grab and dump each container, thereby encouraging less solid waste household generation, enhancing recycling, and reducing employee exposure to potential lift, poke, and strain injuries. A new "Sustainable Durham" branding campaign spearheaded by the IWMAC but available for use for other sustainability-related initiatives is also under way for a 2023 launch.

A number of high-profile applications were concluded by the Planning Board in 2022: a new project at 74 Main Street was approved; a new subdivision off Gerrish/ Ambler was approved, appealed, remanded back to the board, approved, and appealed again; the long-standing application for redevelopment

of the Mill Plaza was denied; and a parking lot proposal on Church Hill at 19-21 Main Street was denied. Each of these projects has demanded significant time and energy by the Planning Board, citizens coming to express their perspectives, applicants, and staff – with three of the four involving court proceedings on appeal.

Following the breaking of ties with Elliott Sidewalk Communities concerning the redevelopment of 66 Main Street, we currently plan in 2023 to think anew about how the Town might want to move forward with a redevelopment at this strategically placed downtown Durham parcel.

The Housing Task Force has been working to identify, analyze, and advocate for a more balanced and diverse supply of housing in Durham. An initial set of recommendations was sent by the Task Force to the Planning Board for initial review, resulting in significant community engagement there. The Housing Task Force will continue to evaluate this issue and work to refine its recommendations.

Plans are being developed for an historic renovation/refurbishment of the Bickford-Chesley Farmhouse at Wagon Hill Farm. Roof replacement and soffit work is planned in 2023. More significant historically-appropriate renovations are being developed to protect the entire building envelope from further water damage, improve deteriorating interior spaces, and create a caretaker apartment on the second floor with historic display and meeting space on the first floor. We also anticipate pursuing additional NH Land and Community Heritage Investment Program (LCHIP) funding in 2023 to support a portion of the total project cost with renovations likely in 2024.

Durham completed work with the Strafford Regional Planning Commission (SRPC) in early-2022 utilizing NHDES funding to study the potential impact of sea level rise on fresh water private wells within the community. It was an interesting initiative focusing on an issue that, until now, has literally been out of site and out of mind. And ongoing work on the new Climate Adaptation Chapter of the Durham Master Plan and an update to our 2017 Hazard Mitigation Plan are also under way.

Projected sea level rise will contribute, in the years ahead, to the gradual inundation of coastal areas. A new living shoreline (Phase I) at the Town's Wagon Hill Farm was completed in late 2019, affording Durham 350 feet of shoreline re-graded, armored with natural hard and soft-scape materials, and planted to restore the salt marsh and tidal buffer that had eroded over time. It's a project that took 4+ years of design and close collaboration between the Town, State/Federal regulators, the NHDES Coastal Program, the Harbor Master, the

Strafford Regional Planning Commission, and UNH environmental researchers utilizing around \$500,000 in local and state grant funds. It has become a regional demonstration project for living shorelines, and an additional \$213,765 was targeted for 2021/2022 utilizing monies negotiated with Eversource, along with matching funds from a highly competitive National Fish & Wildlife Foundation grant, to continue to make shoreline stabilization enhancements at the property (Phases II and III) and beyond within the Great Bay region. We anticipate the next phase, utilizing some of the same pots of money, to take place within the 2023-25 timeframe.

Durham is working closely with the City of Portsmouth to ensure Portsmouth's access across Wagon Hill Farm to their water line crossing Little Bay is undertaken with as little disruption as possible to the property and the quiet enjoyment thereof by residents.

We have painstakingly worked over many years to create a municipal water system that is inherently resilient in order to reliably provide approximately 1.2 million gals/day of water to both town and campus. Together, Durham/UNH operate four water sources, one of which utilizes an artificial recharge system pumping raw water from the Lamprey River to our Spruce Hole Aquifer in Lee during times of plentiful flow, increasing our reserves for drought conditions. This, combined with a new \$20 million Water Treatment Plant on the UNH campus (funded 100% by UNH) deploying state of the art technology - places the combined Durham/UNH community in a very sustainable position in the face of anticipated climate change.

The Town and UNH, through the joint administrative Water, Wastewater, Stormwater, and Roads Committee, continue to address a multitude of Town/Gown items to include efficient operation of our water combined system as described above, focusing attention on water quality deficiencies within the Great Bay Estuary (nitrogen) as identified by the NHDES and the EPA, meeting EPA wastewater and stormwater MS-4 mandates under our EPA Total Nitrogen General Permit, maintaining a required NHDES backflow prevention program, general water/sewer infrastructure, the Lee water line extension in coordination with the NHDES (completed in 2022) to address MBTE contamination at the Lee Traffic Circle, and more. Residents should understand that on the front lines of our utility infrastructure both on and off campus, the Town and the University are joined at the hip and work seamlessly together.

Through the efforts of Tom Brightman (who took the reins in early 2021 from Ellen Snyder), our part-time contract Land Stewardship Coordinator, and the Land Stewardship Subcommittee of the Conservation Commission, the Town continues to make significant inroads in actively managing the numerous lands

and easements under the Town's stewardship. The Council also established the Durham Town Land Stewardship Patron's Trust back in 2018 to enable citizens or organizations to donate money to support our local conservation land management efforts, rather than relying solely on tax dollars for this purpose. These monies, as well as the Conservation Fund under the oversight of the Conservation Commission, have provided an ongoing source of modest funding to move targeted stewardship initiatives forward. Tom Brightman notified the Town of his upcoming departure from the position in December 2022 and Durham resident Sara Callaghan was contracted to take the reins from Tom beginning in January 2023.

The State requires all real estate within a municipality to be reappraised (revaluated) at least every five years (per RSA 75:8-a) for property tax purposes, so assessments are at their full and true value. To keep in compliance with this law, we have contracted with Municipal Resources, Inc. (MRI) to reappraise all residential and commercial properties in Durham for tax year 2023. The project is being completed over a two-year period. There are five major phases to a full revaluation: Data Collection and Sales Review, Market Analysis, Valuation, Field Review, and Informal Hearings. During the summer of 2022, the data collection phase of the project began where staff members from MRI began to measure the exterior, and inspect the interior, of all structures in Durham to make sure the data regarding each property is accurate. A statistical update will be completed in 2023 to bring all properties with updated physical data to full and true market value. We greatly appreciate the cooperation of every property owner.

I would like to formally acknowledge our small but mighty Team of Town employees within public works, police, fire, planning, zoning, town clerk/tax collector's office, informational technology, Durham Community Access Television, and more — all outstanding people, working hard with finite resources to meet the needs of a demanding citizenry with high expectations for exceptional service delivery at the local level. Our Town Council is comprised of thoughtful, hard-working, and dedicated individuals with varied backgrounds and perspectives. The Council, along with the benefit of ongoing public feedback and active involvement by dedicated citizens on local boards, committees, and commissions, all contribute to ensuring Durham remains a strong, vibrant, and welcoming community. It's a Team effort.



TOWN OF DURHAM
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2022-2023 Council Goals *

***Approved by Town Council on 5-16-2022
- Rolling Quarterly Goals Update as of 12/31/22 -***

Mission

To provide ongoing stewardship for the Durham community including effective and efficient municipal services.

Core Values

- Transparency
- Integrity
- Respect
- Excellence
- Resilience
- Justice

Action Goals

(Note: These goals are intended to convey a 1- to 3-year time horizon and assume but do not list all baseline activities.)

Ensure smooth and, to the extent possible, transparent functioning of Town government.

- Update software/systems as needed including working toward providing municipal e-mail addresses for Town Councilors and board/commission Chairs.
 - ❖ Durham is taking steps to allow for external addresses to be added to the Microsoft tenant. Three things prevent us from moving forward: 1) We're still using our legacy exchange server in hybrid mode for send and receiving mail as well as management of users in the active directory (AD) and azure active directory; 2) Our mail records currently point to our Barracuda ESG, which does not natively handle mail signing, scanning, DKIM, DMARC, SPF or most modern mail technologies. It does, however, still serve as the main filter point for spam and phishing email protection. This needs to be removed and records repointed before mail will flow 100% through Microsoft 365; 3) Our AD environment is both legacy and splintered. We are working to combine domains within our forest to a single root and eliminate all sub-domains, which will make the move to a domain-less identity and authentication system all the easier. Domain management currently involves

too many unknowns to pull in outside guests (councilor, board/committee/commission chairs, etc.) and properly secure them against abuse. Once these three items are addressed, we should be able to offer everyone ci.durham.nh.us (or more likely durhamnh.gov, which we have earlier this year secured to facilitate the future transition) addresses on demand without having to slog through legacy infrastructure. **Ongoing.**

- ❖ Investigating options for electronic solid waste permitting system at Durham Public Works offices to include Point of Sale (POS) and credit card payment options for bulky waste, freon appliances, etc. customer payment. **Ongoing.**

Continue monitoring the COVID-19 pandemic using information available from state and Federal agencies.

- Convey timely information to the community as appropriate.
- ❖ **Complete.** We will revisit as necessary if Covid-19 trends change.
- Ensure the Town has an adequate supply of Personal Protection Equipment for its emergency services and Town staff.
- ❖ **Complete.** We continue to have face masks and hand sanitizer available in all facilities for staff and the general public. Departments are equipped as needed.

Conduct planning necessary to protect public health and safety and provide ongoing service continuity given the anticipated impacts of climate change and other trends.

- Update Fire Department Strategic Plan and continue to plan for future fire department facility needs, including a new station on Water Works Road, and evaluate opportunities with surrounding communities regarding the potential for shared emergency services as appropriate.
- ❖ Due to ongoing demands and minimal staffing the Fire Department Strategic Plan is moving forward at a slow pace. **Ongoing.**
- ❖ A pad has been reserved for a future new public safety facility (Fire, UNH Police, McGregor Memorial EMS) on Water Works Road but at this time neither Durham nor UNH have the funding necessary to move ahead and we've been unable to locate/secure grant funding to offset this cost. **On Hold.**
- ❖ Durham and Madbury have had early conversations around greater collaboration/partnership for emergency fire service delivery and we hope

to pursue further in the coming 12-months. The Board of Madbury Selectpersons have discussed with the Chief in Madbury concerning engaging consulting services to assist with evaluating collaborative possibilities and Durham has offered to partner in the effort. **Ongoing.**

- ❖ We continue to work with Strafford County and UNH Re: the town's new LMR infrastructure. A portion of the system will be located on the WUNH Tower, which is a significant benefit for the combined community serviced by the node (An MOA has been developed to facilitate this relationship with UNH.). The project is underway. **Ongoing.**
- Move forward with the Land and Mobile Radio (LMR) emergency communications upgrade to municipal infrastructure.
 - ❖ Project is moving forward supported by a Congressionally Allocated Spending Request totaling \$900,000. Motorola & 2-Way Communications are the lead contractors. Hardware purchased, cabinets being readied for installation, hard work at tower sites still to come. Project likely at 67% completion. **Ongoing.**
- Move forward with emergency generator enhancements for critical infrastructure.
 - ❖ Secured a Congressionally Allocated Spending Request totaling \$535,000 to support emergency generator upgrades/ replacements at several Durham facilities to include our police, public works, and several municipal wells. Project in early stages. DPW provided the FEMA Benefit/Cost analysis as required and through this process demonstrated an economically viable project. DPW is awaiting the formal approval, which will allow commencement of project design, permitting, bidding and construction. We await next steps for NH HSEM. **Ongoing.**
- Continue to monitor and evaluate the reliability, capacity, and functionality of public water, wastewater, and stormwater services, and move ahead with associated capital initiatives as appropriate.
 - ❖ The Durham Public Works Department and subsurface exploration contractor, Miller Engineering and Testing, Inc. recently completed six (6) individual subsurface explorations on Bennett Road surrounding the LaRoche, Woodman, and Corsey Brook culverts. Previously the Town of Durham, working with Engineering consultant CMA Engineers, completed conceptual designs and cost estimates for the three culverts on Bennett Road, which include LaRoche, Woodman and Corsey Brooks. Each of these structures exhibited several substantial deficiencies including a preliminary finding that the existing roadway is below the mapped FEMA 100-year flood Elevation for the Corsey and Woodman structures and highly susceptible to

roadway flooding. In addition, the Woodman Brook crossing includes dry-laid stone retaining wall structures at the culvert and along the adjacent roadway approach which is in poor condition and requires attention prior to failure. **Ongoing.**

- ❖ DPW has included a request for \$2.5 million dollars in funding within a Congressionally Directed Spending Request through United States Senator Shaheen's office and we're pleased to report that the project has been viewed favorably and has been submitted by Senator Shaheen for the FY2023 appropriations process, which will now be reviewed by the appropriations committee to determine if the project will be funded. To this end, on August 1, 2022 Senator Shaheen announced the inclusion of \$2,040,000 of funding proposed for federal fiscal year 2023 to implement improvements on Bennett Road to address flooding and public safety issues associated with stormwater management and insufficient roadway elevation relative to existing 100 year flood elevation. The Town awaits completion of the federal FY 2023 budget process with inclusion of this CDR which is required prior to funding distribution. **Ongoing.**
- ❖ The Madbury Road project also addresses myriad water, wastewater, and stormwater deficiencies. The project has 4 distinct phases with multiple contracts spanning FY23-FY26. The first phase of this project includes replacement and rehabilitation of 4 major culverts on Madbury and Edgewood Road along with substantial water and sewer line replacement. Phase I Project design is progressing on schedule with wetland permitting packages complete and under review. The Town was successful in securing both SRF loans, ARPA funds and both 15% and 10% of principal forgiveness for sewer and stormwater improvements, respectively. **Ongoing.**
- ❖ Construct improvements to the failing corrugated metal pipe (CMP) culvert located on Ross Road conveying Ellison Brook. This project is funded through ARPA and is currently nearing final design with NHDES wetland permit submittals planned over the next 30 days. **Ongoing.**
- ❖ Construct improvements to Wagon Hill Farm bridge to replace existing eroding trail and wooden boardwalk system in disrepair – targeted for 2023/24. **Ongoing.**
- ❖ Continue to review and monitor Portsmouth water main replacement project to ensure all terms and conditions of municipal agreement are met and restoration of project site is completed to Town's satisfaction consistent with agreed upon plan. **Ongoing.**

- ❖ Continue Foss Farm and Beech Hill Tank mixing system design and installation to improve water quality through decreased tank stratification, and water age. Complete NHDES required tank inspection and cleaning as necessary prior to tank mixing system installation. **Ongoing.**
- ❖ Construct the Emerson Road water main replacement project, which replaces the end-of-life water main on Emerson Road, from Madbury Road to the western entrance of Littlehale Road, inclusive of improvements to the limited closed drainage system. Pavement of road following water main replacement is included in the FY 2023 Road Program. **Ongoing.**
- Update land use and other regulations as necessary to ensure local resilience associated with climate change.
 - ❖ In process of updating 2017 Hazard Mitigation Plan through Strafford Regional Planning Commission (SRPC). This will inform other potential local code/regulation changes and/or modifications in the future. Draft forwarded to FEMA for review in December 2022. Awaiting feedback, therefore this item is **Ongoing, though nearly complete.**
- Take steps as necessary to ensure Durham's IT infrastructure remains secure from cybersecurity threats and other challenges.
 - ❖ Working to hire an additional full-time IT professional to supplement Durham resiliency in all areas. Finalists are being considered. Interviews to occur in January 2023. **Ongoing, though nearly complete.**
 - ❖ IT Dept. is pursuing external grant funding to support additional training/evaluation as well for staff across departments. We have been unsuccessful to date as of December 2022. **Ongoing.**

Pursue long-term economic sustainability and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.

- Task the Administrator with meeting the following: 1) Holding the municipal tax rate at the 2022 level or less. 2) Continue to make an effort to control spending, enhance revenues, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate.
 - ❖ FY 2023 budget development/adoption process is **COMPLETE** and went very smoothly despite many fiscal challenges.
- Work to secure available external grant funding opportunities.
 - ❖ See grant highlights throughout this document.

- Support as appropriate the efforts of local businesses, the Durham Business Association, and Celebrate Durham as they plan and host events and activities intended to maintain and enhance a vibrant downtown Durham.
 - ❖ These organizations have not been very active in 2022. The Town largely through Parks & Rec., has organized Memorial Day, Durham Day, the Farmers' Market, and the Halloween Trick-or-Treat event downtown. A successful Frost Fest was held downtown in December. **Ongoing.**
- Start to develop a plan for the re-development of 66 Main Street.
 - ❖ Business permit parking moved to top of parcel. Utilized by the Durham Farmers' Market this past summer on Mondays from Spring through the first week in October. The Urban Land Institute could host a charette for Durham regarding possibilities for the future of the parcel for around \$10,000. See more at <https://ulidigitalmarketing.blob.core.windows.net/ulidcnc/sites/41/2020/03/ULI-Boston-TAP-Application-FY21.pdf>. Otherwise, staff have been preoccupied with other matters and have not had an opportunity to devote resources again to this parcel. In 2023, we plan to begin to discuss the active redevelopment of the site, perhaps reconvening the informal working group that met earlier to discuss a prospective project. Given the pandemic, economic conditions, and just having created the parking lot, we are likely several years away from seeing a redevelopment at the site. **Ongoing.**
- Continue to work toward defining and addressing downtown parking challenges to support local businesses, the diversification of downtown housing opportunities, and the expansion of the tax base.
 - ❖ Several minor modifications/enhancements to the downtown parking meter program have been undertaken in 2022 to support more efficient use of downtown parking. Post-pandemic, there is less demand for parking within the downtown area. It is unknown whether this trend will correct in the years to come as many UNH faculty/staff only come to town 2-3 days per week versus 5 days per week in the past. **Ongoing.**
 - ❖ The legacy parking kiosks downtown and throughout Durham will need to be replaced in the coming three years. 9 (out of 27) kiosks are targeted for 2023 while the DPD also explores App-based technology to integrate alongside (and to potentially replace in targeted areas) our kiosk system. The new kiosks will be amenable to "tap" based phone technology. **Ongoing.**
 - ❖ Continue to work with large downtown property owners and prospective businesses (restaurants, brewpubs, retail stores, personal services, offices) to bring new businesses, expanded non-student housing choices, and desirable development downtown, consistent with local zoning. **Ongoing.**

Pursue long-term environmental sustainability and resiliency taking into account existing and predicted impacts of climate change in multiple areas including drinking water, agriculture, food, society, transportation, ecology, and economy.

- Take steps that reflect Durham’s commitment to the mission of the Global Covenant of Mayors for Climate and Energy (GCOM), to include the development of a Climate Action Plan (CAP) to reduce Durham greenhouse gas emissions 68 million pounds (35.5%) by 2030, enabling Durham to be more resilient in the face of anticipated impacts associated with climate change.
 - ❖ Our CAP developed by UNH Sustainability Fellows and Town working group was approved by the Town Council on 10/17/22 and submitted to GCOM for feedback and finalization. **Complete.**
 - ❖ Energy Committee working to shepherd Durham’s participation in the Community Power Coalition of NH with the goal of providing a cleaner/greener and no more expensive source of power to Durham residents/businesses. **Ongoing.**
 - ❖ Energy Committee working to support Durham residents/businesses in various weatherization/efficiency/education measures designed to lower collective greenhouse gas emissions. **Ongoing.**
 - ❖ Pursuit of external grant funding for additional EV charging stations to support electric vehicles. One grant submitted was not approved; seeking additional grant opportunities as they arise in conjunction with UNH. **Ongoing.**
 - ❖ Currently advertising for our 2023/24 UNH Sustainability Fellow in conjunction with the UNH Sustainability Institute. **Ongoing.**
- Support efforts of the Integrated Waste Management Advisory Committee, Agricultural Commission, and Public Works to increase composting and reduce municipal solid waste landfill use and Durham’s carbon footprint.
 - ❖ Integrated Waste Management Advisory Committee working with DPW to evaluate ways to decrease solid waste, enhance recycling, and offer expanded household/business composting programs. **Ongoing.**
 - ❖ Durham Public Work and the IWMAC have begun to evaluate implementation of automated collection options for solid waste, inclusive of a volume based collection program, along with recycling collection to align with planned replacement of solid waste collection vehicles in fiscal years 2024 and 2025. **Ongoing.**

- Adopt a solar ordinance updated to more effectively govern the placement of solar panels that supports a range of community priorities.
 - ❖ Following a public forum of its own, a revised ordinance draft was presented to the Town Council by Town Councilor Jim Lawson and referred by Council to Planning Board for review/comment. Recommendations from the Planning Board and Energy Committee will be taken up by the Council beginning in January 2023, to include a public hearing as part of the ordinance adoption process. Continue discussion and first reading scheduled for January 9, 2023. **Ongoing.**
- Support ongoing improvement of pedestrian and bicycle connectivity and access to public transportation.
 - ❖ Madbury Road project is being designed with a Complete Streets philosophy. Complete Streets is an approach to planning, designing, building, operating, and maintaining streets that enables safe access for all people who need to use them, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Several public outreach efforts have been undertaken by DPW including a presentation to the Town Council in October. Highlights of the Complete Streets approach include the proposed inclusion of traffic calming median islands and pedestrian refuge areas, expanded sidewalks, inclusion of a multi-use path, pedestrian bump out and roadway neck downs, and improved lighting. **Ongoing.**
 - ❖ We will continue to discuss optimal strategies for enhancing pedestrian and bicycle activity and seek ways to make small site-specific improvements wherever feasible. **Ongoing.**
- Work toward the removal of the Mill Pond Dam on the Oyster River, including engineering plans and pursuit of external funding, and through community input and outreach, plan for the use of the resulting public open space to incorporate opportunities for gathering and recreation as well as recognition of the location's deep historical significance in the pre-Colonial, Colonial, and Modern eras.
 - ❖ DPW has been diligent in seeking grant opportunities to help offset the cost of the project, as well as working with VHB on early engineering/design work, and the start of the Section 106 historic mitigation process (first official meeting on 10/20/22) required by the Army Corps of Engineers to comply with state/federal permitting processes. Grant opportunities include a Critical Flood Risk Infrastructure (CFRING) totaling \$284,226 (formally awarded to Durham), Watershed Assistant Grant for \$150,000, National Fish and Wildlife Federation (NFWF) Natural Coastal Resilience Grant (\$3+ million), and NOAA Habitat Restoration & Coastal Resilience – Fish Passage through Barrier Removal. In December 2022, we learned that NOAA is

recommending Durham receive \$3,537,201 over three years for a project that will remove the dam and also fund a feasibility study and installation of a fish ladder at the Town/University of New Hampshire water supply dam up the river. **Ongoing.**

- Support local and regional efforts to promote and improve the long-term health of the Great Bay Watershed, including its tributaries and surrounding catchment areas.
 - ❖ DPW Dir. Rich Reine and Town Engineer April Talon are on the advisory committee for the Great Bay Eelgrass Resilience Project. Part of their role is to act as liaisons - sharing information about the project and gathering any input that could inform the research team. **Ongoing.**
 - ❖ Durham allocates \$18,600 for water quality monitoring and initiatives each year. **Ongoing.**
 - ❖ Durham continues to be an active participant with the Piscataqua Region Estuaries Partnership – Admin. Selig is on the Management Committee. **Ongoing.**
 - ❖ Durham Public Works continues to advance the design and permitting of the Major Component Rehabilitation at the Wastewater Treatment Plant including the primary and secondary clarifiers, aeration tanks, and structural wall. The site was also identified as a “hot spot” due to the high degree of impervious cover. Due to this, the project also includes significant improvements in stormwater management and structural BMP’s to improve the water quality of stormwater discharged into the Oyster River and eventually the Great Bay Estuary. Durham Public Works was successful in obtaining an SRF loan with 15% principal forgiveness for this project. **Ongoing.**
- Continue to support the proactive stewardship of Town-owned lands and other lands in Durham held in conservation or under easement with nonprofit organizations while improving appropriate and sustainable public access and use of those lands.
 - ❖ Land Stewardship Coordinator Tom Brightman and the Land Stewardship Subcommittee of the Conservation Commission have been undertaking yeoman’s work on a variety of initiatives intended to responsibly manage Town conservation lands. Tom has notified the Town that he will be stepping down at the end of the year. In late-November, Sara Callaghan was named the new Land Stewardship Coordinator and is being integrated into the Town’s stewardship and conservation process. **Ongoing.**

- ❖ Close on the acquisition of the Pike Property and start work on a stewardship plan for the site. **Ongoing.**

Pursue long-term social resiliency.

- Strengthen the community by supporting the needs of residents, families, and other identified stakeholders by offering a wide array of active and passive parks & recreation and library opportunities, programming, events, and facilities.
 - ❖ Great success in 2022 to date with a wide array of Parks & Rec. programming spanning age demographics and in partnership with ORCSD and other local organizations. **Ongoing.**
 - ❖ The new Assistant Director position at Parks & Rec. has really put the department in a solid position to be sustainable and fine tune/enhance programming/opportunities for the community, including getting citizens out into Durham’s open space lands. **Ongoing.**
- Continue to work to preserve the health and vitality of Durham’s neighborhoods.
 - ❖ Code Enforcement remains diligent in this area monitoring zoning issues to include trash, parking, over-occupancy in violation of Durham’s “No More than Three Unrelated” requirement. **Ongoing.**
 - ❖ Durham Police remain proactive and vigilant with our Problem Oriented Police (POP) Officer program and across shift staffing in general. **Ongoing.**
 - ❖ Durham Fire are focused on safety within apartments and neighborhoods. **Ongoing.**
- Explore regulatory strategies to buffer the transition from the downtown commercial core to adjacent residential neighborhoods.
 - ❖ No action to date.
- Support efforts to investigate opportunities, challenges, and options to ensure the availability of a full range of housing types in Durham.
 - ❖ The Housing Task Force completed its first year of work in 2022 and developed extensive proposed changes to the Zoning Ordinance to promote housing opportunities through the town. Numerous residents expressed concern about the sweep of the proposed amendments and the proposal has been sent back to the Task Force to continue its review. The Task Force will seek grants for a community forum on housing and an analysis of the housing situation in Durham. **Ongoing.**

- Continue developing plans for the rehabilitation of both the Old Town Hall/Courthouse and the Bickford-Chesley House at Wagon Hill Farm.
 - ❖ LCHIP grant applications and planning is being pursued to support and move ahead with improvements within the WHF farmhouse. Unfortunately, a recent application for Moose Plate Grant funding for a new roof was not approved. Looking to roof replacement in 2023, LCHIP grant submittal in 2023, and construction in 2024 if successful. **Ongoing.**
 - ❖ Incremental improvements being undertaken at the Old Town Hall/Courthouse to include new HVAC system, new gas-fired furnace, new flooring within the community room, painting, etc. Additional general maintenance improvements to be undertaken as part of 2023 proposed budget. Once the farmhouse at WHF is fully addressed, we will shift efforts to look at more significant improvements needed for Old Town Hall/Courthouse. **Ongoing.**
- Support initiatives that welcome diversity, equity, and inclusion within our community.
 - ❖ The Human Rights Commission organized an Implicit Bias workshop for Town committee volunteers/staff in October 2022. Supported by a \$10,000 NHCF grant secured by HRC member Janet Perkins Howland. **Complete.**
 - ❖ Supported Indigenous Peoples' Day once again in 2022. An interesting program provided to Council in advance of the holiday by UNH researchers concerning Native American archeological explorations in Durham. **Complete.**
 - ❖ Development and ultimate adoption of Town Council resolution recognizing and increasing awareness of various civic, cultural, and religious holidays/occasions. **Complete.**
 - ❖ The aftermath of the murder of George Floyd spawned an awakening in law enforcement that clearly identified the real need for additional training in ethics, de-escalation and implicit bias. Chief Kelley's direction to staff was to research and then implement a rigorous training program where all members of the department could benefit. We were successful in receiving a grant from the Department of Justice that allowed us to send two highly qualified use of force instructors to a nationally recognized train the trainer course hosted by DOJ. This training was the first in the country and as a result each member of the department is now required to attend a minimum of eight hours of training in bias, de-escalation and ethics. Many of our police officers have received more than the required hours of training. **Ongoing.**
 - ❖ One area that the DPD identified recently was an up-tick in the number of mental health calls the department received. Staff aggressively sought training

on how to respond to these types of calls and how best to ensure officers were appropriately addressing the needs of those in crises. We sent officers to training and formed partnerships with those in the mental health field to provide the best services possible when confronted with a person in need.

Complete.

- ❖ As part of the DPD's active shooter training, staff have devoted many hours training and partnering with school staff on our active shooter response protocols. This culminated in a tabletop exercise over the summer 2022. Based upon this exercise as well as dialogue with our education partners at ORCSD, several policy changes were implemented as well as a very robust system where we can monitor, in real time, interior and exterior school buildings should there ever be a need. **Complete.**

Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university.

- ❖ **Ongoing** discussion taking place between Durham/UNH departments and key staff throughout the pandemic and as part of advance planning for major events/initiatives impacting both entities.
- ❖ UNH met with the Planning Board and HDC/HC in late-summer 2022 to obtain feedback regarding a planned addition to Huddleston Hall to house the Honors Program. **Ongoing.**
- ❖ Close collaboration with UNH Sustainability Institute to support mutual climate adaptation/mitigation goals. **Ongoing.**
- ❖ Our water and wastewater systems are operated collaboratively as a single entity. Stormwater collaboration is also taking place. **Ongoing.**
- ❖ **Ongoing** partnership in fire protection, roadway maintenance, policing issues.
- ❖ Work closely with UNH as they get ready to embark on an update of the University's Master Plan. **Ongoing.**

Leverage town committees and subcommittees to develop tactical plans to align with the broader goals of the Council and encourage them to collaborate with each other and communicate as necessary with the community at large.

- ❖ The Town Council goals have been printed on large paper and hung in the Council chambers, distributed to Town boards, committees, commissions, departments, included in "Friday Updates," are available on Durham's web site, and we will be posting periodic progress reports for the community as part of the weekly "Friday Updates." **Complete.**

** Note that the order of the goals does not imply priority.*



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AGENDA ITEM:

#10D

DATE: January 9, 2023

COUNCIL COMMUNICATION

INITIATED BY:

Durham Public Works Department

AGENDA ITEM:

SHALL THE TOWN COUNCIL APPROVE THE SUBMISSION OF AN APPLICATION FOR A STATE REVOLVING FUND (SRF) LOAN IN THE AMOUNT OF \$1,175,000 FOR THE MADBURY ROAD COMPLETE STREETS PROJECT SEWER MAIN REPLACEMENT PROJECT AND AUTHORIZE THE TOWN ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS?

PREPARED BY:

April Talon, Town Engineer
Richard Reine, Public Works Director

PRESENTED BY:

Todd Selig, Town Administrator

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request approval to submit a Clean Water SRF loan application to NHDES in the amount of \$1,175,000 for the construction of the Madbury Road Complete Streets Sewer Main Replacement Project. NHDES has rated this project highly and has indicated the availability of 15% principal forgiveness of the total project cost, of approximately \$176,250.

The design contract for the Madbury Road Sewer Main Replacement project was approved in September 2021 in the amount of \$1,142,898 as part of the larger overall Madbury Road Complete Streets project that also includes the design of sidewalks, ADA compliant ramps and crossings, improved signalization, lighting, pavement markings, traffic calming, and pedestrian and cyclist accommodations.

The condition of the Madbury Road sewer main between Main Street and Route 4 was assessed by video inspection in the fall of 2021 and with input from wastewater division town staff. Based on this assessment, we identified the sewer mains in poor condition (root intrusion, collapsed pipe, obstructions, history of problems).



Photo Above: Root Ball at a pipe joint



Photo Above: Cracked Sewer Pipe on Madbury Road

The first phase of sewer work includes replacement of sewer mains and services on Madbury Road between Main Street and Davis Court (just north of Bagdad Road) and replacement of a sewer main that extends from Madbury Road down Madbury Ct to Strafford Ave. This sewer main runs under an apartment building (Stafford Village) and has obstructions the prohibits inspection or cleaning. The 6" and 8" existing sewer mains are mostly clay pipe; they will be replaced with 8" PVC pipe. In the area of sewer main

replacement, sewer services will be replaced from the main to the ROW/property line. Sewer manholes to be replaced will be new precast structures. The project will be bid this spring and constructed in the fall of 2023 and spring of 2024.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The 2023 Capital Fund Budget account # 07-2393-360-000 includes an appropriation of \$1,175,000 for construction of the Madbury Road Complete Streets Project Sewer Main Replacement Project.

SUGGESTED ACTION OR RECOMMENDATIONS:

RESOLUTION:

The Durham Town Council hereby ADOPTS Resolution #2023-01 to Approve the Submission of an Application to the New Hampshire Clean Water State Revolving Fund Program in the Amount of \$1,175,000 for the Madbury Road Complete Streets Sewer Main Replacement Project and Authorizing the Town Administrator to Sign Said Loan Documents.

RESOLUTION #2023-01 OF DURHAM, NEW HAMPSHIRE

APPROVING THE SUBMISSION OF AN APPLICATION TO THE NEW HAMPSHIRE CLEAN WATER STATE REVOLVING FUND PROGRAM IN THE AMOUNT OF \$1,175,000 FOR THE MADBURY ROAD COMPLETE STREETS SEWER MAIN REPLACEMENT PROJECT AND AUTHORIZING THE TOWN ADMINISTRATOR TO SIGN SAID LOAN DOCUMENTS

WHEREAS, Section 5.12 of the Durham Town Charter enables the Town Council to authorize all borrowing of funds and further stipulates that for the purposes of borrowing, the Town of Durham shall have all the powers and duties vested with a city; and

WHEREAS, the Town of Durham, after thorough consideration, hereby determined that the Madbury Road Complete Streets Sewer Main Replacement Project is desirable and in the public interest, and to that end it is necessary to apply for assistance from the State Revolving Fund (SRF); and

WHEREAS, the Town of Durham expects to receive principal forgiveness on the SRF loan for up to 15 percent of the total completed Madbury Road Complete Streets Sewer Main Replacement Project; and,

WHEREAS, the Town of Durham has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq 500, which relate to loans from the Clean Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith;

NOW, THEREFORE BE IT RESOLVED by the Durham Town Council, the governing body of the Town of Durham, New Hampshire, does hereby approve Resolution #2023-01 as follows:

1. That the Town Administrator is hereby authorized on behalf of the Town of Durham to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq 500;
2. That if such loan be made, the Town of Durham agrees to repay the loan as stipulated in the loan agreement;

3. That the said Town Administrator is hereby authorized to furnish such information and to take such other action as may be necessary to enable the Town of Durham to qualify for the loan;
4. That the said Town Administrator is hereby designated as the authorized representative of the Town of Durham for the purpose of furnishing such information, data, and documents pertaining to the applicant for a loan as may be required; and otherwise, to act as the authorized representative of the Town of Durham in connection with this application;
5. That certified copies of this resolution shall be included as part of the application to be submitted for a loan;
6. That if such loan be made, the Town of Durham agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

PASSED AND ADOPTED this ____ day of _____ by a two-thirds vote of the Durham Town Council with _____ voting in favor, _____ voting against and _____ abstaining.

Kitty Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk



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AGENDA ITEM: **#13A**

DATE: January 9, 2023

COUNCIL COMMUNICATION

INITIATED BY: Jim Lawson, Town Councilor

AGENDA ITEM: CONTINUED DISCUSSION AND FIRST READING OF ORDINANCE #2023-01 AMENDING SECTION 175-7 "DEFINITIONS" ADDING A NEW SECTION FOR SOLAR ENERGY SYSTEMS AND ADDING A DEFINITION FOR CARPORT, AMENDING THE USES IN THE TABLE OF USES IN SECTION 175-53 ADDING SOLAR ENERGY SYSTEMS, AND AMENDING ARTICLE XX "STANDARDS FOR SPECIFIC USES" SECTION 175-109 ADDING A SECTION FOR SOLAR ENERGY SYSTEMS AND RE-LETTERING N "TEMPORARY SAWMILL".

CC PREPARED BY: Jim Lawson, Town Councilor

PRESENTED BY: Jim Lawson, Town Councilor

BACKGROUND:

The Town Council referred a draft ordinance for Solar Energy Systems to the Planning Board for review and comment in May. The Planning Board held a Public Hearing on the ordinance during a Special Meeting on September 21, 2022. Subsequent discussions on the ordinance were held by the Planning Board culminating in their recommended changes to the ordinance.

The Planning Board provided a list of specific changes that are recommended, and Michael Behrendt assisted with both documenting the changes and improving the clarity of the ordinance where necessary. Many of the changes are non-substantive but still important as they improve the accuracy, clarity, and readability of the Ordinance.

The Planning Board's recommendations were discussed at the November 21, 2021 Town Council meeting. The Council Communication for that discussion details the Planning Board's recommendations. All of the Planning Board recommendations have been incorporated into proposed Ordinance #2023-01 with the exception of the following two:

1. The Town Council proposed allowing Large Freestanding Utility and Group Net Metering Solar Systems by Conditional Use in the ORLI and MUDOR zones. Ordinance #2023-01 retains the original Town Council proposal.
2. The Town Council proposed not allowing Small Utility systems in residential zones when they are building mounted. Ordinance #2023-01 retains the original Town Council proposal.

LEGAL AUTHORITY:

This is a Council initiated zoning change in accordance with Section 175-14.B “Amendment Initiated by the Council”. The Town Council has the option to move proposed Ordinance #2023-01 to First Reading now that the Planning Board has completed its review and study of the Ordinance.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Continued discussion on the proposed Solar Ordinance and, if desired, make the following motion.

MOTION:

The Durham Town Council does hereby move on First Reading (as presented) (as Amended) Ordinance #2023-01 and schedules a public hearing on the proposed ordinance for Monday February 6, 2023.

ORDINANCE #2023-01 OF DURHAM, NEW HAMPSHIRE

A TOWN COUNCIL INITIATED ORDINANCE AMENDING SECTION 175-7 “DEFINITIONS” ADDING A NEW SECTION FOR SOLAR ENERGY SYSTEMS AND ADDING A DEFINITION FOR CARPORT, AMENDING THE USES IN THE TABLE OF USES IN SECTION 175-53 ADDING SOLAR ENERGY SYSTEMS, AND AMENDING ARTICLE XX “STANDARDS FOR SPECIFIC USES” SECTION 175-109 ADDING A SECTION FOR SOLAR ENERGY SYSTEMS AND RE-LETTERING N “TEMPORARY SAWMILL”

WHEREAS, presently, there are no provisions in the Zoning Ordinance specifically addressing solar energy systems; and

WHEREAS, one Master Plan vision is that “the Town of Durham, along with commercial property owners and homeowners, will continue to realize cost saving while reducing carbon emissions;” and

WHEREAS, the use of Solar Energy Systems is an important part of fulfilling that vision; and

WHEREAS, one Master Plan goal is to “Amend zoning, subdivision and site plan regulations to reflect opportunities for, and impacts on surrounding properties of, solar energy system installations”; and

WHEREAS, RSAs 362-F, 374-G, 477:49, 672:1 III-a and 67417(I)(j) promote the development of solar energy while allowing for reasonable regulation; and

WHEREAS, the Town has gone through a lengthy process starting in September of 2017 to carefully craft a high-quality ordinance specifically tailored to Durham; and

WHEREAS, the initial draft was prepared by an ad hoc group, a second draft was enthusiastically endorsed by the Energy Committee, and the Planning Board developed three additional drafts following numerous duly noticed public hearings; and

WHEREAS, in finalizing its draft, the Planning Board worked diligently to balance the imperative of encouraging solar energy with the broad community goal of preserving neighborhood and rural character; and

WHEREAS, the Planning Board voted to formally initiate this set of amendments on April 10, 2019; and

WHEREAS, the Durham Town Council discussed the amendments on May 6, 2019; and

WHEREAS, after several years of discussion, on May 9, 2022, the Durham Town Council voted to refer an amended, proposed Solar Energy System Ordinance to the Planning Board for its review and study; and

WHEREAS, the Planning Board held a public hearing on the proposed Solar Ordinance on September 21, 2022; and

WHEREAS, the Planning Board discussed the Solar Ordinance during several subsequent meetings and provided its recommendations to the Town Council on October 26, 2022; and

WHEREAS, the Town Council discussed the Planning Board's recommendations at its November 21, 2022 meeting and incorporated most of the Planning Board's recommendations into the Ordinance; and

WHEREAS, on _____, 2023 the Town Council conducted a First Reading on Ordinance #2023-01; and

WHEREAS, on _____, 2023 the Town Council opened a duly posted Public Hearing on Ordinance #2023-01.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, does hereby adopt Ordinance #2023-XX a Council-initiated Ordinance, amending Section 175-7 "DEFINITIONS" adding a new section for Solar Energy Systems, adding a definition for Carport, amending the uses in the Table of Uses in Section 175-53 adding Solar Energy Systems, and amending Article XX "Standards for Specific Uses" Section 175-109 adding a section for Solar Energy Systems and re-lettering N "Temporary Sawmill"
Wording to be omitted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

❖ *Make the following changes in Article II. Definitions.*

- *Add this new section for "Solar Energy Systems." Place this section right before "Solid Waste" and retain the order as shown here.*

SOLAR ENERGY SYSTEMS – Specific definitions pertinent to solar energy systems follow.

Building-Mounted Solar Energy System – A solar energy system attached to and completely supported by a building that does not extend more than 5 feet beyond the building footprint. The system may include necessary accessory equipment that is ground mounted.

Freestanding Solar Energy System – A ground-mounted solar energy system, including a stationary or tracking system (either single axis or dual axis). A Solar Photovoltaic (PV) Parking Canopy is not a Freestanding Solar Energy System.

Group Net Metering Host, Small – A Solar Photovoltaic (PV) System less than or equal to 100 KW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Group Net Metering Host, Large – A Solar Photovoltaic (PV) System greater than 100 KW and less than 5 MW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Multi-unit Residential or Nonresidential Solar Energy System– An accessory use designed to provide solar energy for the principal and accessory uses of Multi-Unit Residential, mixed Use with Residential and other Nonresidential uses.

Name Plate Rating - The maximum sustained electric power-generating capacity of the Solar Energy System.

Solar Energy – Radiant energy emitted by the sun. -

Single-Family or Duplex Residential Solar Energy System – A Solar Energy System that is an accessory use designed to generate energy for use at the property. A Single-Family or Duplex Residential Solar System may also be a Small Group Net Metering Host up to the size limits specified in 175-109.N.4.

Solar Energy System – A structure and the related components used to transform solar energy into electricity (through a solar photovoltaic system) or heat (through a solar thermal system).

Solar Photovoltaic (PV) Parking Canopy – An elevated structure that supports solar panels over a parking area. A solar photovoltaic parking canopy is not a carport. The structure is not used with single-family and duplex uses, nor is it considered *structured parking*.

Solar Photovoltaic (PV) System – A solar collection, mounting, inversion, storage and distribution system that converts sunlight into electricity.

Solar Thermal System – A solar collection system that directly heats a heat-transfer medium.

Utility-Scale Solar Energy System, Small - A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity equal to or less than 100 kW that generates energy for use off site by customers. A Small Utility-Scale Solar Energy System does not function as a Small Group Net Metering Host.

Utility-Scale Solar Energy System, Large – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of greater than 100 kW and less than 5 MW that generates energy for use off site by customers. A Large Utility-Scale Solar Energy System does not function as a Large Group Metering Host

➤ ***Add this new section in Article II definitions***

CARPORT – A roofed structure designed to shelter motor vehicles and that is open on at least two sides. A carport may be a freestanding structure or attached to a building.

❖ *Modify the Table of Uses as follows:*

Add the new uses below in the Table of Uses in Section 175-53 under Subsection VI. Utility & Transportation Uses at the end after Personal Wireless Services Facility:

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
VI. UTILITY & TRANSPORTATION USES													
Single family or duplex residential solar energy system - accessory use (See Article XX)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Multi-unit residential or nonresidential solar energy system - accessory use (See Article XX)													
• Building-mounted	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Freestanding	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Small Utility-Scale solar energy system - principal use (See Article XX)													
• Building-mounted	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Freestanding	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Large Utility-Scale solar energy system – principal use (See Article XX)													
• Building-mounted	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Freestanding	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>CU</u>	<u>CU</u>	<u>X</u>
Small Group Net Metering Host - principal use (See Article XX)													
• Building-mounted	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Freestanding	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Large Group Net Metering Host - principal use (See Article XX)													
• Building-mounted	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

CATEGORY OF USES

- Freestanding

Solar PV Parking Canopy -
accessory use to surface parking
(See Article XX)

Small Group Net Metering Host -
accessory use to a single-family or
Duplex residence (See Article XX)

- Building-mounted
- Freestanding (The limits
specified in Section 175-
109 N.4.a apply)

	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
• <u>Freestanding</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>CU</u>	<u>CU</u>	<u>X</u>
<u>Solar PV Parking Canopy - accessory use to surface parking (See Article XX)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Small Group Net Metering Host - accessory use to a single-family or Duplex residence (See Article XX)</u>													
• <u>Building-mounted</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Freestanding (The limits specified in Section 175- 109 N.4.a apply)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

❖ ***Modify the Wetland Conservation Overlay District and Shoreland Preservation Overlay District as follows:***

175-60. Permitted Uses in the WCOD.

A. Notwithstanding the uses permitted in the underlying zoning district, the following uses shall be allowed without a permit in the WCOD provided that they do not alter the surface condition or configuration of the land by the addition of fill, do not obstruct or alter the natural flow or infiltration of surface water, and comply with the regulations of WCOD:

1. The planting of native or naturalized species and wetland vegetation as identified in “The United States Fish and Wildlife Service National List of Plant Species that Occur in Wetlands: New Hampshire” within a wetland and native or non-native, non-invasive vegetation in the upland buffer in conjunction with the landscaping of lot;
2. The installation and observation of monitoring wells;
3. Conservation activities;
4. Accessory agriculture subject to the performance standards of 175-65.C;
5. The removal of dead, diseased, unsafe, or fallen trees;
6. The maintenance of existing vegetation including shrubs, lawns, and fields except as provided in 175-65.A.
7. Forestry in accordance with Performance Standard 175-65.D.
8. A pier or dock, including the replacement or expansion of an existing pier or dock, provided the structure is approved by the appropriate state agency (Otherwise it is considered a conditional use).
9. The maintenance of an existing pier or dock.
10. [Building-mounted solar energy system.](#)

175-62. Prohibited Uses in the WCOD.

Any use that is not identified as a permitted use in 175-60 or a conditional use in 175-61 shall be a prohibited use. [Freestanding solar energy systems are prohibited in the WCOD.](#)

175-71. Permitted Uses in the SPOD.

A. Notwithstanding the uses permitted in the underlying zoning district, the following uses shall be allowed without a permit in the SPOD provided they do not alter the surface condition or configuration of the land, do not obstruct or alter the natural flow or infiltration of surface or ground water, and comply with the regulations of the SPOD:

1. The planting of native or naturalized species and wetland vegetation as identified in “The United States Fish and Wildlife Service National List of Plant Species that Occur in Wetlands: New Hampshire” and other native or non-native, non-invasive vegetation in conjunction with the landscaping of a lot;
2. The installation and observation of monitoring wells;
3. Conservation activities;
4. Accessory agriculture subject to the performance standards of 175-75.1. A and B;
5. The removal of dead, diseased, unsafe or fallen trees;
6. The maintenance of existing vegetation including shrubs, lawns, and fields, except as provided in 175-75.1, A.
7. Forestry in accordance with Performance Standard 175-75.1.C.
8. A pier or dock, including the replacement or expansion of an existing pier or dock, provided the structure is approved by the appropriate state agency (Otherwise it is considered a conditional use).
9. The maintenance of an existing pier or dock.
10. Aquaculture.
11. [Building-mounted solar energy system.](#)

175-73. Prohibited Uses in the SPOD.

Any use that is not identified as a permitted use in 175-71 or a conditional use in 175-72 shall be a prohibited use. Notwithstanding this limitation, the erection of a structure or septic system on an existing lot within the SPOD may be permitted by special exception in accordance with the provisions and standards of 175-29.B.

The following uses are deemed to pose a particular threat to the water quality of the adjacent shoreland or waterbody or downstream waterbodies and are prohibited in the SPOD even if they are permitted or conditional uses in the underlying zoning district:

- a. the establishment or expansion of salt storage yards;
- b. automotive junk or salvage yards;
- c. the storage or handling of hazardous wastes;
- d. the bulk storage of chemicals, petroleum products, or hazardous materials;
- e. use of any fertilizer, pesticide, or herbicide except in conjunction with accessory or commercial agriculture as provided for in 175-75.1. B.;
- f. the processing of excavated materials;
- g. the dumping of snow or ice removed from roads or parking lots;
- h. the disposal, handling, or processing of solid wastes including transfer stations, recycling facilities, and composting facilities;
- i. animal feedlots;
- j. the disposal of septage or other liquid or leachate wastes except for an approved septic system;
- k. construction on upland slopes which exceed 15%;

1. dumping, spreading or any other application or use of treated soils or sludge from a sewage treatment plant.
- m. Freestanding solar energy systems.

❖ *Add the following as a new section in Article XX – Standards for Specific Uses, Section 175-109, and re-letter N. Temporary Sawmill*

N. **Solar Energy Systems.** Solar energy systems shall be allowed in conformance with the following standards and procedures (See Definitions for solar energy systems).

1. **Authority.** This ordinance is adopted pursuant to RSAs 362-F, 374-G, 477:49, 672:1 III-a, and 674:17 (I)(j).
2. **Purpose.** The purpose of this ordinance is to:
 - a. Encourage the implementation of solar energy systems in accordance with the recommendations stated in the Energy Chapter of the 2015 Durham Master Plan;
 - b. promote environmental sustainability while respecting the rural character and scenic landscape of Durham and the use of productive agricultural lands; and
 - c. comply with and support the State of New Hampshire’s goal of developing clean, safe, renewable energy resources as provided for in the statutes referred to in 175-109. N.1 above.
3. **Applicability.** Solar installations that are designed to generate less than one kilowatt and are not connected to the electrical grid are not covered by this ordinance, though they may be subject to other regulations.
4. **Single-Family or Duplex Residential Solar Energy System – accessory use.** The following provisions apply to single-family or duplex residential solar energy systems.
 - a. Basic requirements. This accessory use serves single-family or duplex residences situated on the same lot. A Freestanding Solar Energy System may have a nameplate capacity rating of 30 kW or occupy a ground area of up to 1,800 square feet.
 - b. Special Exception. A proposed Single-Family or Duplex Residential Solar Energy System that does not conform with 175.109.N.4. c. below may be approved by a special exception.

c. Placement – A Freestanding Solar Energy System shall be placed in a location meeting one or more of the following criteria.

- (1) The system is placed where it is largely not visible from a public road abutting the property, as determined by the Code Enforcement Officer, due to topography or existing structures or vegetation that are expected to be maintained until the Solar Energy System is decommissioned.
- (2) The system is placed 150 feet or more from any portion of a public road.
- (3) When a system is equal to or less than 12 feet in height and does not meet the requirements of 175-109.N.4.b. (1) or (2) above, the system shall be placed behind the fully enclosed part of the residence closest to the public road. Systems in the Rural and Rural Coastal Zones must also comply with 175-109.N.4.b (5) below.
- (4) When a system is greater than 12 feet in height and does not meet the requirements of 175-109.N.4.b. (1) or (2) above, the system shall be placed behind the fully enclosed part of the residence that is furthest from the public road. Systems in the Rural and Rural Coastal Zones must also comply with 175-109.N.4.b (5) below.
- (5) Systems in the Rural and Rural Coastal Zones should meet the placement criteria 175-109.N.4.b (1) or (2) above. The system may be placed in accordance with 175-109.N.4.b (3) or (4) above but shall not extend more than 40' beyond the side of the residence.

d. Carport Mounted Solar Energy System – A solar energy system may be mounted on a carport when the carport is attached to the single-family or duplex residence and the carport is located beyond the fully enclosed part of the residence closest to the public road.

5. Multi-unit or Nonresidential Solar Energy System – accessory use. .

The following standards and procedures apply to freestanding multi-unit residential or non-residential systems.

- a. Site plan review and approval by the Planning Board is required.
- b. A proposed system that does not conform with 175-109.N.5. c. below, may be approved by a special exception.
- c. No part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the part of the fully enclosed principal building closest to the street. In addition, for a system that exceeds 12 feet in height (any part of the system), no part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the fully enclosed part of the principal building furthest from the street.
- d. The Solar Energy System shall be sized to provide up to the projected annual energy needs of the multi-unit or nonresidential use including approved ancillary uses.
- e. Where the nonresidential use is Commercial Farm, the system may be sized to generate up to 100 kW more than the projected annual energy needs of the Principal Use, and the Solar Energy System may function as a Small Utility-Scale Solar Energy System or Small Group Net Metering Host.

6. Small and Large Utility-Scale Solar Energy System – principal use.

The following standards and procedures apply to freestanding Utility-Scale Solar Energy Systems.

- a. Site plan review and approval is required.
- b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from single family homes, neighboring roads and abutting properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.

7. Small and Large Group Net Metering Host – principal use.

The following standards and procedures apply to a freestanding Group Net Metering Host as a principal use but not to a Single-family or duplex residential solar energy system functioning as group net metering host.

- a. Site plan review and approval is required.
- b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from single family homes, neighboring roads and abutting properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.

8. **Solar PV Parking Canopy – accessory use.**

- a. A Site plan review and approval is required.
- b. The parking must be an approved use specified in Section 175-53 “Table of Uses”.
- c. The height of the canopy, including panels, above the ground shall not exceed the height limit permitted in the zone and be no greater than 35 feet.
- d. A Solar PV Parking Canopy may function as a Multi-unit or Non-Residential Solar Energy System, a Utility-Scale Solar Energy System (Large or Small) or a Group Net Metering Host (Large or Small).

9. **Other provisions.** The following additional provisions apply to all solar energy systems.

- a. Building permit. A building permit is required for the installation of any system.
- b. Setbacks. Every part of a freestanding system, including components elevated above the ground, components that track and move, and necessary accessory equipment that is ground mounted, shall conform to required setbacks for the zoning district.
- c. Maximum height. For building-mounted systems, the maximum height for any part of the system is ten feet above the ridge of the

roof of the primary building or ten feet above the highest part of the roof of the primary building where there is no ridge. The maximum height for freestanding systems is 25 feet (excludes Solar PV Parking Canopy).

A freestanding system exceeding 25 feet in height may be approved by special exception provided all of the following conditions are met:

- i. The system does not exceed 35 feet in height;
 - ii. The system is located in the Rural, Residence Coastal, Office Research – Route 108, Mixed Use and Office Research, Office Research Light Industry, or Durham Business Park district;
and
 - iii. All other pertinent provisions for solar energy systems apply.
- d. Impervious surface. The maximum impervious surface ratio in the Table of Dimensions applies to what is on the ground under the solar panels. The solar panels themselves do not count toward impervious surface
- e. Submission requirements. Applicants for projects that require a site plan shall submit all pertinent information, including specifications for the equipment, to the Planning Board, as specified in the Site Plan Regulations. Applicants for a special exception shall submit plans showing all pertinent aspects of the project and all elements specified by the Zoning Board of Adjustment.
- f. Decommissioning. Applicants for a Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structures and reclamation of the site when the system is no longer in use. It is expected that the decommissioning plan will specify the removal and disposal of photovoltaic panels using a means allowed by applicable state and federal regulations at the time of decommissioning.
- g. Historic District. Additional procedures and standards for proposed solar energy systems located within the Durham Historic District are contained in Article XVII of this ordinance.
- h. Site Plan Review is not required for any building mounted system.

PASSED AND ADOPTED this __ day of __, __ by the Durham Town Council, the governing body of the Town of Durham, New Hampshire, with _____ voting in favor, _____ voting against, and _____ abstaining.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk – Tax Collector



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AGENDA ITEM:

#14A

DATE: January 9, 2023

COUNCIL COMMUNICATION

INITIATED BY:

Durham Town Council

AGENDA ITEM:

**BEGIN THE ADMINISTRATOR'S ANNUAL PERFORMANCE
EVALUATION PROCESS FOR 2022 IN ACCORDANCE WITH THE
EMPLOYMENT AGREEMENT BETWEEN THE ADMINISTRATOR AND
THE TOWN OF DURHAM**

CC PREPARED BY:

Todd I. Selig, Administrator

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Pursuant to Section 17 of Administrator Selig's Employment Agreement dated April 3, 2017 (**attached**) [*which was specifically requested to be included in the Employment Agreement by Mr. Selig*] with the Town:

"Commencing in April of 2017, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives [*these are the approved 2021/2022 Town Council goals*] which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. . . Commencing in January 2018, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council."

Over each of the last many years of Mr. Selig's service, the Council has utilized varying approaches to fulfilling this contractual requirement. In 2012 the Council began utilizing a one-page evaluation form/matrix (**attached**) outlining key elements of importance and ranking the administrator's performance (on a scale of 1 to 5) for each of these elements which included five categories: Ability to maintain or improve strong relationships, Financial oversight, Leadership, Initiative, and Other. Rankings included: 5=Excellent, 4=Very Good, 3=Good, 2=Acceptable, 1=Unacceptable.

Unless during its discussion on Monday evening the Council decides to use another evaluation process, Administrator Selig recommends using the same format as last year with the objective being to develop a consensus of the Council regarding the performance of the Administrator over the course of the previous year and to offer collective guidance (one voice to the extent possible) for the upcoming year.

Using this process, Council members will be provided with the matrix via email in Microsoft Word format by January 10, 2023. Councilors will then have until **Monday, January 23rd** to return their responses electronically to Council Chair Kitty Marple. Chair Marple will then compile the responses for distribution to Councilors electronically in advance of the February 6th Council meeting at which time the Council and Mr. Selig will discuss the results.

Attached for the Council's information is a **timeline** developed initially by Councilor Wayne Burton and approved by the Council in 2014 which illustrates the process that will be followed throughout the year relating to Administrator Selig's annual evaluation. Also **attached is a "year-end wrap up"** prepared by Mr. Selig. A quarterly goal progress report as of December 31, 2022, is included as a separate item in the Council packet.

In accordance with Mr. Selig's Employment Agreement, the term of his employment "*shall be for a period of nine (9) years (except as it may be modified as explained herein) commencing January 1, 2017, and ending December 31, 2025.*" Mr. Selig's compensation is outlined in the Employment Agreement.

LEGAL AUTHORITY:

Article 4 "Administration of Government", Section 4.1 of the Durham Town Charter:

"The chief administrative officer of the town shall be the Town Administrator (hereinafter called the "Administrator"), who shall be a full-time regular employee of the Town. The Council shall appoint a person especially qualified by experience and training, who receives the votes of at least five (5) members of the Council, to be Administrator. The Administrator shall serve at the pleasure of the Council, which will fix the Administrator's salary and terms of employment."

Article 4 "Administration of Government", Section 4.3 of the Durham Town Charter:

"The Administrator may be reprimanded or removed for cause by the affirmative vote of at least six (6) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of the Administrator, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefor and an effective date. A copy of the resolution shall be served forthwith on the Administrator, who may, within ten (10) days, demand a public hearing, in which event the Administrator shall not be reprimanded or removed until such public hearing has been held. Upon or after passage of a resolution of intent to remove, the Council may suspend the Administrator from duty, but his pay shall continue until removal. In case of such suspension, the Council shall, by the affirmative vote of the Council, appoint an Acting

Administrator to serve at the pleasure of the Council for not more than ninety (90) days. The action of the Council in removing the Administrator shall be final.”

In addition to the above Charter provision, Section 14 of the Employment Agreement also addresses termination of the Administrator, as follows:

14. Termination.

A. By the Town with Cause. This Agreement may be terminated by the Town for cause, in accord with the provisions of Section 4.3 of the Town Charter, if Selig willfully breaches or habitually neglects the duties to be performed under Paragraph 2 of this Agreement; engages in dishonest conduct; or for the conviction of any crime for which the punishment involves incarceration.

B. In the event Selig's employment is terminated pursuant to subparagraph A, Selig shall be entitled to his base salary compensation earned prior to the date of termination (minus all appropriate federal, state and authorized withholdings), as provided for in Paragraph 4 of this Agreement, computed pro rata up to and including the date of termination, as well as any other benefits to which he may be entitled as a matter of law.

C. By Selig. This Agreement may be terminated by Selig, without cause, by giving eight (8) months' notice to the Town.

D. By the Town without Cause. In the event that this Agreement is terminated by the Town for reasons other than those outlined in subparagraph A above, the Town shall be responsible for the payment to Selig of one (1) full year's base salary (minus all appropriate federal, state and authorized withholdings) plus all benefits (or their monetary equivalent) accrued during that one (1) year period regardless of the length of the remaining term of this Agreement.

Article II, “Administrative Organization”, Section 4-4 of the Administrative Code”:

“The chief administrative officer of the town shall be the Town Administrator (“Administrator”), who shall be appointed by the Council based upon his training and experience. The Administrator shall serve at the pleasure of the Council, who will also establish his compensation and terms of employment.”

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Begin discussion concerning Administrator Selig’s 2022 annual performance evaluation.

Employment Agreement – Town Administrator

AGREEMENT made this 3rd day of April, 2017, between The Town of Durham, a municipal Town located in the County of Strafford and the State of New Hampshire, (hereinafter “Town”)

and Todd I. Selig of Durham, New Hampshire (hereinafter “Selig”).

WHEREAS, Selig and the Town desire to set forth in writing their Contract with respect to Selig’s employment by the Town as its Town Administrator;

NOW, THEREFORE, in consideration of their mutual promises set forth herein, the parties hereby agree as follows:

1. **Employment.** The Town hereby employs Selig as its Town Administrator, and Selig hereby accepts such employment, upon the terms and conditions set forth in this Agreement.
2. **Duties and Authority.**
 - A. Selig will hold the position of Town Administrator.
 - B. As Town Administrator, Selig will have the powers granted to that position by the Charter and Administrative Code of the Town and pertinent State statutes including RSA 49-D:2(c) and RSA 37, subject to the control of the Town Council to the extent permitted by the Charter and statute. He shall have general supervision, direction and control over the business and affairs of the Town and its employees. Selig will be primarily responsible in addition to his Statutory and Charter duties, for carrying out all orders and resolutions of the Town Council and such duties as may from time to time be assigned to Selig by the Town Council.
 - C. Selig agrees to devote his full time, attention and best efforts to the performance of his responsibilities as Town Administrator.
 - D. Selig shall not, during the term of this Agreement, directly or indirectly engage in any business, either as an employee, corporation, principal, corporate officer, or in any other capacity, whether or not compensated, without the prior written consent of the Town.
 - E. Notwithstanding anything to the contrary contained in paragraph 2.D above, Selig may engage in teaching in an adjunct position, writing or consulting during his normal time off provided that he first inform the Town Council of his activities and provided, further, that those activities

do not unreasonably interfere with his duties and responsibilities to the Town.

F. It is recognized that Selig must devote a great deal of time outside the normal office hours on business for the Town, and to that end Selig shall be allowed to establish an appropriate work schedule.

3. **Term of Employment.** The term of employment shall be for a period of nine (9) years (except as it may be modified as explained herein) commencing on January 01, 2017 and ending December 31, 2025.
4. **Compensation.** Selig shall receive compensation during the term of this Agreement as follows: A base annual salary of \$137,500 for 2017 which shall increase by 2% annually thereafter during the contract term, effective each January 1st. Notwithstanding the above, as of 1/1/18, 1/1/20, 1/1/22, and 1/1/24, Selig's base annual salary shall be reset at the greater of 2% above his prior year's base annual salary or the average of the actual base annual salaries of the full time town/city managers within the following NH communities as of January 1st of said year: Bedford, Concord, Derry, Dover, Hanover, Keene, Merrimack, Portsmouth, and Rochester.
5. **Medical and Group Insurance.** The Town agrees to provide Selig with all of the benefits offered to non union employees in the Town's Personnel Plan including participation in the Town group medical, hospital and dental plan(s) of the Town, as well as all other insurance plans which the Town offers to its employees on the same terms and conditions as that of the Town's other non-unionized employees. Notwithstanding the above, Selig shall pay twenty percent (20%) of the monthly health and dental premiums. The Town shall pay eighty percent (80%) of the appropriate monthly premiums.
6. **Vacation.** Selig shall be entitled to thirty (30) days of paid vacation during each year of employment; the time for the vacation shall be mutually agreed upon by Selig and the Town Council. If vacation is not taken Selig shall be reimbursed at his base salary rate for time not taken in excess of 240 hours of accrual by December 31st of the succeeding year.

In addition to the vacation listed in the first paragraph, in recognition of Selig's completion of 21 years of service with the Town of Durham in 2022, and every six years thereafter, Selig shall be afforded a six (6) week paid sabbatical for personal and professional rejuvenation. The sabbatical shall not be used to fulfill the notice requirement outlined in Section 14.C of this contract.

7. **Automobile.**

A. The Town shall provide to Selig, during the term of his employment, the use of a Town automobile of Selig's choice, for business use, to be selected from the Town's inventory. The Town shall pay all automobile operating expenses incurred by Selig in the performance of Selig's business duties. In the event that Selig utilizes his personal automobile for Town business, he shall be reimbursed for the mileage at the then prevailing Internal Revenue Service reimbursement rate.

B. The Town shall provide to Selig, during the term of his employment, an annual stipend in the amount of \$7,500.00 in lieu of unlimited personal use of a Town vehicle.

8. **Dues and Subscriptions.** The Town shall budget and pay the dues, expenses and subscriptions of Selig for his continuation and participation in local, city, county, state, national, and international associations that he deems prudent and fiscally responsible for his continued effective management of the Town.

9. **Professional Development.** The Town shall budget and pay for the registration, travel and subsistence expenses of Selig to attend the annual conferences of the New Hampshire Municipal Association and the International City/County Management Association, and such other conferences, short courses, and seminars that Selig deems prudent and fiscally responsible for his professional development and for the continued, effective management of the Town. The Town recognizes that Selig is a Board member of the New Hampshire Center for Public Policy Studies, and the Town encourages such activities and other similar activities as part of Selig's professional development.

In addition, during the term of this contract the Town shall support Selig's attendance with pay at three specialized advanced training courses such as those offered at the Harvard Kennedy School of Government or equivalent experiences that Selig deems prudent and fiscally responsible for his professional development and for the continued, effective management of the Town.

10. **Expense Reimbursement.** Selig shall be entitled to reimbursement for all reasonable expenses, including travel and entertainment, incurred by him in the performance of his duties. Selig shall maintain records and written receipts and shall submit vouchers for expenses for which reimbursement is made.

11. **General Expenses.** The Town recognizes that certain expenses of a personal nature are or may be incurred by Selig in the performance of his business duties, and the Town agrees that it shall reimburse Selig for all such reasonable expenses upon receipt of expense vouchers, receipts, statements or personal affidavits detailing the expenses related to the performance of Selig's business duties.

Selig shall be responsible for obtaining a mobile data telephone device that meets the specifications of the Town's IT infrastructure such that he is reasonably accessible to the Town during times of emergency. Upon the execution of this Agreement, Selig's Town-issued iPhone shall become the personal property of Selig, and Selig shall bear the cost of the device (as well as future devices) and the associated telephone/data plan thereafter.

12. **Permanent Disability.** In the event Selig becomes permanently disabled (herein defined as a disability which substantially impairs or limits Selig from performing the essential duties of his position) as determined by a licensed physician mutually agreed upon by the Town and Selig, or if Selig is otherwise unable to perform his duties because of sickness, accident or injury for a period of six (6) months, the Town may terminate this Agreement subject to the provisions of paragraph 14D.

13. **Death.** In the event that Selig dies during the term of this Agreement, this Agreement shall immediately terminate.

14. **Termination.**

A. **By the Town with Cause.** This Agreement may be terminated by the Town for cause, in accord with the provisions of Section 4.3 of the Town Charter, if Selig willfully breaches or habitually neglects the duties to be performed under Paragraph 2 of this Agreement; engages in dishonest conduct; or for the conviction of any crime for which the punishment involves incarceration.

B. In the event Selig's employment is terminated pursuant to subparagraph A, Selig shall be entitled to his base salary compensation earned prior to the date of termination (minus all appropriate federal, state and authorized withholdings), as provided for in Paragraph 4 of this Agreement, computed pro rata up to and including the date of termination, as well as any other benefits to which he may be entitled as a matter of law.

C. **By Selig.** This Agreement may be terminated by Selig, without cause, by giving eight (8) months' notice to the Town.

- D. **By the Town without Cause.** In the event that this Agreement is terminated by the Town for reasons other than those outlined in subparagraph A above, the Town shall be responsible for the payment to Selig of one (1) full year's base salary (minus all appropriate federal, state and authorized withholdings) plus all benefits (or their monetary equivalent) accrued during that one (1) year period regardless of the length of the remaining term of this Agreement.
15. **Renewal.** The parties contemplate that they will want to renegotiate, extend or modify the length of this Agreement for so long as the relationship is mutually satisfactory. Notwithstanding anything contained herein, the parties may mutually agree to modify any or all provisions of this Agreement at any time for so long as those modifications are in writing and signed by the authorized parties.
16. **Renewal Negotiations.** If either the Town or Selig wishes to renew this Agreement at the conclusion of its original nine (9) year term, that party shall notify the other of such intent no later than December 31, 2024. In the event that the parties have not successfully concluded their negotiations by March 1, 2025, subsection 14C shall not apply and Selig shall be free to seek and obtain employment elsewhere at any time, even during the remaining term of this Agreement.
17. **Performance Evaluation.**
- A. Commencing in April of 2017, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. The funds necessary for the attainment of those goals and objectives shall be included in the annual budget for the same time period.
- B. Commencing in January 2018, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council.
18. **Indemnification.** The Town agrees to include Selig under its general insurance coverage and further agrees that it shall indemnify and hold Selig harmless for any liability related to, or arising out of, his position as Town Administrator in accord with the provisions of New Hampshire R.S.A. 31:105.

19. **Residency.** In accord with the provisions of the Town Charter, Selig agrees to live within the corporate limits of the Town for so long as he serves as its Town Administrator.
20. **Supplemental Retirement Plan.** In addition to the base annual salary paid by the Town to Selig, the Town shall pay \$18,000 annually on Selig's behalf into a Section 457 deferred compensation plan. This payment shall be increased by \$500 annually beginning in 2022 so long as the additional contribution is permissible pursuant to Section 457 deferred compensation regulations.
21. **Notices.** Any notice provided for in this Agreement shall be given in writing. Notices shall be effective from the date of service, if served personally on the party to whom notice is to be given, or on the second day after mailing, if mailed by first class mail, postage prepaid. Notices shall be properly addressed to the parties at their respective addresses or to such other address as either party may later specify by notice to the other.
22. **Entire Agreement.** This Agreement contains the entire agreement and supersedes all prior agreements and understandings, oral or written, with respect to the subject matter hereof. This Agreement may be changed only by an agreement in writing signed by the party against whom any waiver, change, amendment or modification is sought.
23. **Waiver.** The waiver by the Town of a breach of any of the provisions of this Agreement by Selig shall not be construed as a waiver of any subsequent breach by Selig.
24. **Governing Law; Venue.** This Agreement shall be construed and enforced in accordance with the laws of the State of New Hampshire. The Strafford County Superior Court shall be proper venue for any litigation arising out of this Agreement.
25. **Paragraph Headings.** Paragraph headings are for convenience only and are not intended to expand or restrict the scope or substance of the provisions of this Agreement.
26. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement shall remain in full force and shall in no way be impaired.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _3rd_ day of April, 2017.

THE TOWN OF DURHAM:

By: Katherine Marple
Katherine Marple, Chairman
Duly Authorized

TOWN ADMINISTRATOR:

Todd I. Selig

ANNUAL EVALUATION OF TODD SELIG 2022

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

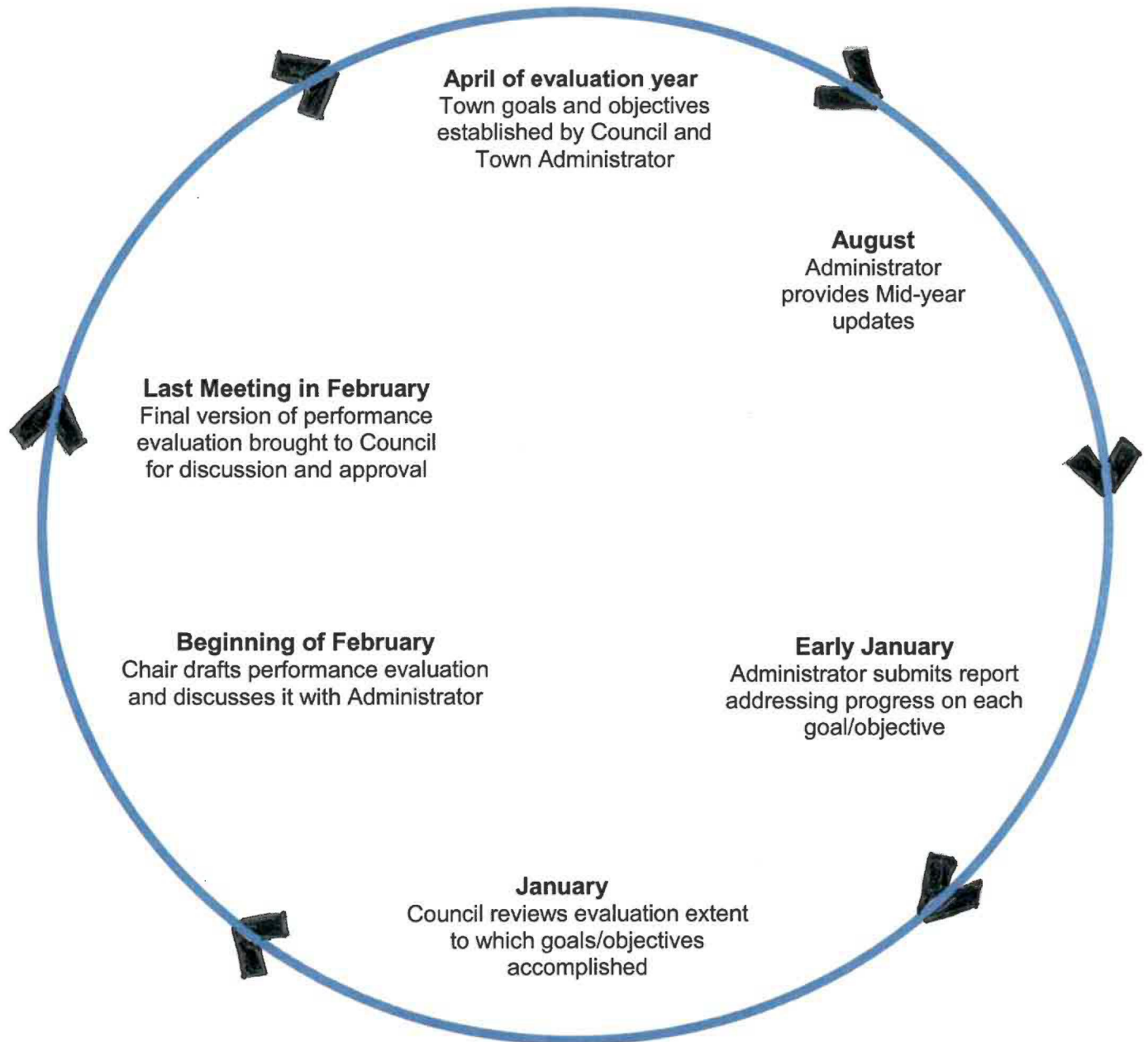
	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)						
• External entities such as UNH, town businesses, etc.						
• Town department heads and staff						
• Town committees and boards						
• Serves citizens effectively and efficiently						
Financial oversight:						
• Financial performance of the Town						
• Fiscal responsibility						
• Budget (process, preparation, dissemination)						
• Budget (creation of budget within Council guidelines)						
• Accomplishment of meaningful modifications in the economic relationship with UNH						
Leadership:						
• Provides clear guidance to the Council on all issues						
• Provides effective management of town staff and departments						
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation						
• Competency in human resource area with new hires during his administration						
• Provides leadership and support to town committees and boards as necessary.						
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council						
• Is timely in follow up reports to Council initiatives						
• Accomplishment of Council's goals and objectives						
• Ability to be a visionary for future community planning						
Other:						
• Appropriately challenges the status quo						
• Willingness to challenge and support his convictions						
• Appropriate allocation of time and energies, including delegating non-essential tasks						

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than MONDAY, JANUARY 23, 2023.**



Town of Durham

Town Administrator Performance Evaluation Process





TOWN OF DURHAM
8 Newmarket Road
Durham, NH 03824-2898
603.868.5571
www.ci.durham.nh.us

2022-2023 Council Goals *

***Approved by Town Council on 5-16-2022
- Rolling Quarterly Goals Update as of 12/31/22 -***

Mission

To provide ongoing stewardship for the Durham community including effective and efficient municipal services.

Core Values

- Transparency
- Integrity
- Respect
- Excellence
- Resilience
- Justice

Action Goals

(Note: These goals are intended to convey a 1- to 3-year time horizon and assume but do not list all baseline activities.)

Ensure smooth and, to the extent possible, transparent functioning of Town government.

- Update software/systems as needed including working toward providing municipal e-mail addresses for Town Councilors and board/commission Chairs.
 - ❖ Durham is taking steps to allow for external addresses to be added to the Microsoft tenant. Three things prevent us from moving forward: 1) We're still using our legacy exchange server in hybrid mode for send and receiving mail as well as management of users in the active directory (AD) and azure active directory; 2) Our mail records currently point to our Barracuda ESG, which does not natively handle mail signing, scanning, DKIM, DMARC, SPF or most modern mail technologies. It does, however, still serve as the main filter point for spam and phishing email protection. This needs to be removed and records repointed before mail will flow 100% through Microsoft 365; 3) Our AD environment is both legacy and splintered. We are working to combine domains within our forest to a single root and eliminate all sub-domains, which will make the move to a domain-less identity and authentication system all the easier. Domain management currently involves

too many unknowns to pull in outside guests (councilor, board/committee/commission chairs, etc.) and properly secure them against abuse. Once these three items are addressed, we should be able to offer everyone ci.durham.nh.us (or more likely durhamnh.gov, which we have earlier this year secured to facilitate the future transition) addresses on demand without having to slog through legacy infrastructure. **Ongoing.**

- ❖ Investigating options for electronic solid waste permitting system at Durham Public Works offices to include Point of Sale (POS) and credit card payment options for bulky waste, freon appliances, etc. customer payment. **Ongoing.**

Continue monitoring the COVID-19 pandemic using information available from state and Federal agencies.

- Convey timely information to the community as appropriate.
- ❖ **Complete.** We will revisit as necessary if Covid-19 trends change.
- Ensure the Town has an adequate supply of Personal Protection Equipment for its emergency services and Town staff.
- ❖ **Complete.** We continue to have face masks and hand sanitizer available in all facilities for staff and the general public. Departments are equipped as needed.

Conduct planning necessary to protect public health and safety and provide ongoing service continuity given the anticipated impacts of climate change and other trends.

- Update Fire Department Strategic Plan and continue to plan for future fire department facility needs, including a new station on Water Works Road, and evaluate opportunities with surrounding communities regarding the potential for shared emergency services as appropriate.
- ❖ Due to ongoing demands and minimal staffing the Fire Department Strategic Plan is moving forward at a slow pace. **Ongoing.**
- ❖ A pad has been reserved for a future new public safety facility (Fire, UNH Police, McGregor Memorial EMS) on Water Works Road but at this time neither Durham nor UNH have the funding necessary to move ahead and we've been unable to locate/secure grant funding to offset this cost. **On Hold.**
- ❖ Durham and Madbury have had early conversations around greater collaboration/partnership for emergency fire service delivery and we hope

to pursue further in the coming 12-months. The Board of Madbury Selectpersons have discussed with the Chief in Madbury concerning engaging consulting services to assist with evaluating collaborative possibilities and Durham has offered to partner in the effort. **Ongoing.**

- ❖ We continue to work with Strafford County and UNH Re: the town's new LMR infrastructure. A portion of the system will be located on the WUNH Tower, which is a significant benefit for the combined community serviced by the node (An MOA has been developed to facilitate this relationship with UNH.). The project is underway. **Ongoing.**
- Move forward with the Land and Mobile Radio (LMR) emergency communications upgrade to municipal infrastructure.
 - ❖ Project is moving forward supported by a Congressionally Allocated Spending Request totaling \$900,000. Motorola & 2-Way Communications are the lead contractors. Hardware purchased, cabinets being readied for installation, hard work at tower sites still to come. Project likely at 67% completion. **Ongoing.**
- Move forward with emergency generator enhancements for critical infrastructure.
 - ❖ Secured a Congressionally Allocated Spending Request totaling \$535,000 to support emergency generator upgrades/ replacements at several Durham facilities to include our police, public works, and several municipal wells. Project in early stages. DPW provided the FEMA Benefit/Cost analysis as required and through this process demonstrated an economically viable project. DPW is awaiting the formal approval, which will allow commencement of project design, permitting, bidding and construction. We await next steps for NH HSEM. **Ongoing.**
- Continue to monitor and evaluate the reliability, capacity, and functionality of public water, wastewater, and stormwater services, and move ahead with associated capital initiatives as appropriate.
 - ❖ The Durham Public Works Department and subsurface exploration contractor, Miller Engineering and Testing, Inc. recently completed six (6) individual subsurface explorations on Bennett Road surrounding the LaRoche, Woodman, and Corsey Brook culverts. Previously the Town of Durham, working with Engineering consultant CMA Engineers, completed conceptual designs and cost estimates for the three culverts on Bennett Road, which include LaRoche, Woodman and Corsey Brooks. Each of these structures exhibited several substantial deficiencies including a preliminary finding that the existing roadway is below the mapped FEMA 100-year flood Elevation for the Corsey and Woodman structures and highly susceptible to

roadway flooding. In addition, the Woodman Brook crossing includes dry-laid stone retaining wall structures at the culvert and along the adjacent roadway approach which is in poor condition and requires attention prior to failure. **Ongoing.**

- ❖ DPW has included a request for \$2.5 million dollars in funding within a Congressionally Directed Spending Request through United States Senator Shaheen's office and we're pleased to report that the project has been viewed favorably and has been submitted by Senator Shaheen for the FY2023 appropriations process, which will now be reviewed by the appropriations committee to determine if the project will be funded. To this end, on August 1, 2022 Senator Shaheen announced the inclusion of \$2,040,000 of funding proposed for federal fiscal year 2023 to implement improvements on Bennett Road to address flooding and public safety issues associated with stormwater management and insufficient roadway elevation relative to existing 100 year flood elevation. The Town awaits completion of the federal FY 2023 budget process with inclusion of this CDR which is required prior to funding distribution. **Ongoing.**
- ❖ The Madbury Road project also addresses myriad water, wastewater, and stormwater deficiencies. The project has 4 distinct phases with multiple contracts spanning FY23-FY26. The first phase of this project includes replacement and rehabilitation of 4 major culverts on Madbury and Edgewood Road along with substantial water and sewer line replacement. Phase I Project design is progressing on schedule with wetland permitting packages complete and under review. The Town was successful in securing both SRF loans, ARPA funds and both 15% and 10% of principal forgiveness for sewer and stormwater improvements, respectively. **Ongoing.**
- ❖ Construct improvements to the failing corrugated metal pipe (CMP) culvert located on Ross Road conveying Ellison Brook. This project is funded through ARPA and is currently nearing final design with NHDES wetland permit submittals planned over the next 30 days. **Ongoing.**
- ❖ Construct improvements to Wagon Hill Farm bridge to replace existing eroding trail and wooden boardwalk system in disrepair – targeted for 2023/24. **Ongoing.**
- ❖ Continue to review and monitor Portsmouth water main replacement project to ensure all terms and conditions of municipal agreement are met and restoration of project site is completed to Town's satisfaction consistent with agreed upon plan. **Ongoing.**

- ❖ Continue Foss Farm and Beech Hill Tank mixing system design and installation to improve water quality through decreased tank stratification, and water age. Complete NHDES required tank inspection and cleaning as necessary prior to tank mixing system installation. **Ongoing.**
- ❖ Construct the Emerson Road water main replacement project, which replaces the end-of-life water main on Emerson Road, from Madbury Road to the western entrance of Littlehale Road, inclusive of improvements to the limited closed drainage system. Pavement of road following water main replacement is included in the FY 2023 Road Program. **Ongoing.**
- Update land use and other regulations as necessary to ensure local resilience associated with climate change.
 - ❖ In process of updating 2017 Hazard Mitigation Plan through Strafford Regional Planning Commission (SRPC). This will inform other potential local code/regulation changes and/or modifications in the future. Draft forwarded to FEMA for review in December 2022. Awaiting feedback, therefore this item is **Ongoing, though nearly complete.**
- Take steps as necessary to ensure Durham's IT infrastructure remains secure from cybersecurity threats and other challenges.
 - ❖ Working to hire an additional full-time IT professional to supplement Durham resiliency in all areas. Finalists are being considered. Interviews to occur in January 2023. **Ongoing, though nearly complete.**
 - ❖ IT Dept. is pursuing external grant funding to support additional training/evaluation as well for staff across departments. We have been unsuccessful to date as of December 2022. **Ongoing.**

Pursue long-term economic sustainability and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.

- Task the Administrator with meeting the following: 1) Holding the municipal tax rate at the 2022 level or less. 2) Continue to make an effort to control spending, enhance revenues, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate.
 - ❖ FY 2023 budget development/adoption process is **COMPLETE** and went very smoothly despite many fiscal challenges.
- Work to secure available external grant funding opportunities.
 - ❖ See grant highlights throughout this document.

- Support as appropriate the efforts of local businesses, the Durham Business Association, and Celebrate Durham as they plan and host events and activities intended to maintain and enhance a vibrant downtown Durham.
 - ❖ These organizations have not been very active in 2022. The Town largely through Parks & Rec., has organized Memorial Day, Durham Day, the Farmers' Market, and the Halloween Trick-or-Treat event downtown. A successful Frost Fest was held downtown in December. **Ongoing.**
- Start to develop a plan for the re-development of 66 Main Street.
 - ❖ Business permit parking moved to top of parcel. Utilized by the Durham Farmers' Market this past summer on Mondays from Spring through the first week in October. The Urban Land Institute could host a charette for Durham regarding possibilities for the future of the parcel for around \$10,000. See more at <https://ulidigitalmarketing.blob.core.windows.net/ulidcnc/sites/41/2020/03/ULI-Boston-TAP-Application-FY21.pdf>. Otherwise, staff have been preoccupied with other matters and have not had an opportunity to devote resources again to this parcel. In 2023, we plan to begin to discuss the active redevelopment of the site, perhaps reconvening the informal working group that met earlier to discuss a prospective project. Given the pandemic, economic conditions, and just having created the parking lot, we are likely several years away from seeing a redevelopment at the site. **Ongoing.**
- Continue to work toward defining and addressing downtown parking challenges to support local businesses, the diversification of downtown housing opportunities, and the expansion of the tax base.
 - ❖ Several minor modifications/enhancements to the downtown parking meter program have been undertaken in 2022 to support more efficient use of downtown parking. Post-pandemic, there is less demand for parking within the downtown area. It is unknown whether this trend will correct in the years to come as many UNH faculty/staff only come to town 2-3 days per week versus 5 days per week in the past. **Ongoing.**
 - ❖ The legacy parking kiosks downtown and throughout Durham will need to be replaced in the coming three years. 9 (out of 27) kiosks are targeted for 2023 while the DPD also explores App-based technology to integrate alongside (and to potentially replace in targeted areas) our kiosk system. The new kiosks will be amenable to "tap" based phone technology. **Ongoing.**
 - ❖ Continue to work with large downtown property owners and prospective businesses (restaurants, brewpubs, retail stores, personal services, offices) to bring new businesses, expanded non-student housing choices, and desirable development downtown, consistent with local zoning. **Ongoing.**

Pursue long-term environmental sustainability and resiliency taking into account existing and predicted impacts of climate change in multiple areas including drinking water, agriculture, food, society, transportation, ecology, and economy.

- Take steps that reflect Durham’s commitment to the mission of the Global Covenant of Mayors for Climate and Energy (GCOM), to include the development of a Climate Action Plan (CAP) to reduce Durham greenhouse gas emissions 68 million pounds (35.5%) by 2030, enabling Durham to be more resilient in the face of anticipated impacts associated with climate change.
 - ❖ Our CAP developed by UNH Sustainability Fellows and Town working group was approved by the Town Council on 10/17/22 and submitted to GCOM for feedback and finalization. **Complete.**
 - ❖ Energy Committee working to shepherd Durham’s participation in the Community Power Coalition of NH with the goal of providing a cleaner/greener and no more expensive source of power to Durham residents/businesses. **Ongoing.**
 - ❖ Energy Committee working to support Durham residents/businesses in various weatherization/efficiency/education measures designed to lower collective greenhouse gas emissions. **Ongoing.**
 - ❖ Pursuit of external grant funding for additional EV charging stations to support electric vehicles. One grant submitted was not approved; seeking additional grant opportunities as they arise in conjunction with UNH. **Ongoing.**
 - ❖ Currently advertising for our 2023/24 UNH Sustainability Fellow in conjunction with the UNH Sustainability Institute. **Ongoing.**
- Support efforts of the Integrated Waste Management Advisory Committee, Agricultural Commission, and Public Works to increase composting and reduce municipal solid waste landfill use and Durham’s carbon footprint.
 - ❖ Integrated Waste Management Advisory Committee working with DPW to evaluate ways to decrease solid waste, enhance recycling, and offer expanded household/business composting programs. **Ongoing.**
 - ❖ Durham Public Work and the IWMAC have begun to evaluate implementation of automated collection options for solid waste, inclusive of a volume based collection program, along with recycling collection to align with planned replacement of solid waste collection vehicles in fiscal years 2024 and 2025. **Ongoing.**

- Adopt a solar ordinance updated to more effectively govern the placement of solar panels that supports a range of community priorities.
 - ❖ Following a public forum of its own, a revised ordinance draft was presented to the Town Council by Town Councilor Jim Lawson and referred by Council to Planning Board for review/comment. Recommendations from the Planning Board and Energy Committee will be taken up by the Council beginning in January 2023, to include a public hearing as part of the ordinance adoption process. Continue discussion and first reading scheduled for January 9, 2023. **Ongoing.**
- Support ongoing improvement of pedestrian and bicycle connectivity and access to public transportation.
 - ❖ Madbury Road project is being designed with a Complete Streets philosophy. Complete Streets is an approach to planning, designing, building, operating, and maintaining streets that enables safe access for all people who need to use them, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Several public outreach efforts have been undertaken by DPW including a presentation to the Town Council in October. Highlights of the Complete Streets approach include the proposed inclusion of traffic calming median islands and pedestrian refuge areas, expanded sidewalks, inclusion of a multi-use path, pedestrian bump out and roadway neck downs, and improved lighting. **Ongoing.**
 - ❖ We will continue to discuss optimal strategies for enhancing pedestrian and bicycle activity and seek ways to make small site-specific improvements wherever feasible. **Ongoing.**
- Work toward the removal of the Mill Pond Dam on the Oyster River, including engineering plans and pursuit of external funding, and through community input and outreach, plan for the use of the resulting public open space to incorporate opportunities for gathering and recreation as well as recognition of the location's deep historical significance in the pre-Colonial, Colonial, and Modern eras.
 - ❖ DPW has been diligent in seeking grant opportunities to help offset the cost of the project, as well as working with VHB on early engineering/design work, and the start of the Section 106 historic mitigation process (first official meeting on 10/20/22) required by the Army Corps of Engineers to comply with state/federal permitting processes. Grant opportunities include a Critical Flood Risk Infrastructure (CFRING) totaling \$284,226 (formally awarded to Durham), Watershed Assistant Grant for \$150,000, National Fish and Wildlife Federation (NFWF) Natural Coastal Resilience Grant (\$3+ million), and NOAA Habitat Restoration & Coastal Resilience – Fish Passage through Barrier Removal. In December 2022, we learned that NOAA is

recommending Durham receive \$3,537,201 over three years for a project that will remove the dam and also fund a feasibility study and installation of a fish ladder at the Town/University of New Hampshire water supply dam up the river. **Ongoing.**

- Support local and regional efforts to promote and improve the long-term health of the Great Bay Watershed, including its tributaries and surrounding catchment areas.
 - ❖ DPW Dir. Rich Reine and Town Engineer April Talon are on the advisory committee for the Great Bay Eelgrass Resilience Project. Part of their role is to act as liaisons - sharing information about the project and gathering any input that could inform the research team. **Ongoing.**
 - ❖ Durham allocates \$18,600 for water quality monitoring and initiatives each year. **Ongoing.**
 - ❖ Durham continues to be an active participant with the Piscataqua Region Estuaries Partnership – Admin. Selig is on the Management Committee. **Ongoing.**
 - ❖ Durham Public Works continues to advance the design and permitting of the Major Component Rehabilitation at the Wastewater Treatment Plant including the primary and secondary clarifiers, aeration tanks, and structural wall. The site was also identified as a “hot spot” due to the high degree of impervious cover. Due to this, the project also includes significant improvements in stormwater management and structural BMP’s to improve the water quality of stormwater discharged into the Oyster River and eventually the Great Bay Estuary. Durham Public Works was successful in obtaining an SRF loan with 15% principal forgiveness for this project. **Ongoing.**
- Continue to support the proactive stewardship of Town-owned lands and other lands in Durham held in conservation or under easement with nonprofit organizations while improving appropriate and sustainable public access and use of those lands.
 - ❖ Land Stewardship Coordinator Tom Brightman and the Land Stewardship Subcommittee of the Conservation Commission have been undertaking yeoman’s work on a variety of initiatives intended to responsibly manage Town conservation lands. Tom has notified the Town that he will be stepping down at the end of the year. In late-November, Sara Callaghan was named the new Land Stewardship Coordinator and is being integrated into the Town’s stewardship and conservation process. **Ongoing.**

- ❖ Close on the acquisition of the Pike Property and start work on a stewardship plan for the site. **Ongoing.**

Pursue long-term social resiliency.

- Strengthen the community by supporting the needs of residents, families, and other identified stakeholders by offering a wide array of active and passive parks & recreation and library opportunities, programming, events, and facilities.
 - ❖ Great success in 2022 to date with a wide array of Parks & Rec. programming spanning age demographics and in partnership with ORCSD and other local organizations. **Ongoing.**
 - ❖ The new Assistant Director position at Parks & Rec. has really put the department in a solid position to be sustainable and fine tune/enhance programming/opportunities for the community, including getting citizens out into Durham’s open space lands. **Ongoing.**
- Continue to work to preserve the health and vitality of Durham’s neighborhoods.
 - ❖ Code Enforcement remains diligent in this area monitoring zoning issues to include trash, parking, over-occupancy in violation of Durham’s “No More than Three Unrelated” requirement. **Ongoing.**
 - ❖ Durham Police remain proactive and vigilant with our Problem Oriented Police (POP) Officer program and across shift staffing in general. **Ongoing.**
 - ❖ Durham Fire are focused on safety within apartments and neighborhoods. **Ongoing.**
- Explore regulatory strategies to buffer the transition from the downtown commercial core to adjacent residential neighborhoods.
 - ❖ No action to date.
- Support efforts to investigate opportunities, challenges, and options to ensure the availability of a full range of housing types in Durham.
 - ❖ The Housing Task Force completed its first year of work in 2022 and developed extensive proposed changes to the Zoning Ordinance to promote housing opportunities through the town. Numerous residents expressed concern about the sweep of the proposed amendments and the proposal has been sent back to the Task Force to continue its review. The Task Force will seek grants for a community forum on housing and an analysis of the housing situation in Durham. **Ongoing.**

- Continue developing plans for the rehabilitation of both the Old Town Hall/Courthouse and the Bickford-Chesley House at Wagon Hill Farm.
 - ❖ LCHIP grant applications and planning is being pursued to support and move ahead with improvements within the WHF farmhouse. Unfortunately, a recent application for Moose Plate Grant funding for a new roof was not approved. Looking to roof replacement in 2023, LCHIP grant submittal in 2023, and construction in 2024 if successful. **Ongoing.**
 - ❖ Incremental improvements being undertaken at the Old Town Hall/Courthouse to include new HVAC system, new gas-fired furnace, new flooring within the community room, painting, etc. Additional general maintenance improvements to be undertaken as part of 2023 proposed budget. Once the farmhouse at WHF is fully addressed, we will shift efforts to look at more significant improvements needed for Old Town Hall/Courthouse. **Ongoing.**
- Support initiatives that welcome diversity, equity, and inclusion within our community.
 - ❖ The Human Rights Commission organized an Implicit Bias workshop for Town committee volunteers/staff in October 2022. Supported by a \$10,000 NHCF grant secured by HRC member Janet Perkins Howland. **Complete.**
 - ❖ Supported Indigenous Peoples' Day once again in 2022. An interesting program provided to Council in advance of the holiday by UNH researchers concerning Native American archeological explorations in Durham. **Complete.**
 - ❖ Development and ultimate adoption of Town Council resolution recognizing and increasing awareness of various civic, cultural, and religious holidays/occasions. **Complete.**
 - ❖ The aftermath of the murder of George Floyd spawned an awakening in law enforcement that clearly identified the real need for additional training in ethics, de-escalation and implicit bias. Chief Kelley's direction to staff was to research and then implement a rigorous training program where all members of the department could benefit. We were successful in receiving a grant from the Department of Justice that allowed us to send two highly qualified use of force instructors to a nationally recognized train the trainer course hosted by DOJ. This training was the first in the country and as a result each member of the department is now required to attend a minimum of eight hours of training in bias, de-escalation and ethics. Many of our police officers have received more than the required hours of training. **Ongoing.**
 - ❖ One area that the DPD identified recently was an up-tick in the number of mental health calls the department received. Staff aggressively sought training

on how to respond to these types of calls and how best to ensure officers were appropriately addressing the needs of those in crises. We sent officers to training and formed partnerships with those in the mental health field to provide the best services possible when confronted with a person in need.

Complete.

- ❖ As part of the DPD's active shooter training, staff have devoted many hours training and partnering with school staff on our active shooter response protocols. This culminated in a tabletop exercise over the summer 2022. Based upon this exercise as well as dialogue with our education partners at ORCSD, several policy changes were implemented as well as a very robust system where we can monitor, in real time, interior and exterior school buildings should there ever be a need. **Complete.**

Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university.

- ❖ **Ongoing** discussion taking place between Durham/UNH departments and key staff throughout the pandemic and as part of advance planning for major events/initiatives impacting both entities.
- ❖ UNH met with the Planning Board and HDC/HC in late-summer 2022 to obtain feedback regarding a planned addition to Huddleston Hall to house the Honors Program. **Ongoing.**
- ❖ Close collaboration with UNH Sustainability Institute to support mutual climate adaptation/mitigation goals. **Ongoing.**
- ❖ Our water and wastewater systems are operated collaboratively as a single entity. Stormwater collaboration is also taking place. **Ongoing.**
- ❖ **Ongoing** partnership in fire protection, roadway maintenance, policing issues.
- ❖ Work closely with UNH as they get ready to embark on an update of the University's Master Plan. **Ongoing.**

Leverage town committees and subcommittees to develop tactical plans to align with the broader goals of the Council and encourage them to collaborate with each other and communicate as necessary with the community at large.

- ❖ The Town Council goals have been printed on large paper and hung in the Council chambers, distributed to Town boards, committees, commissions, departments, included in "Friday Updates," are available on Durham's web site, and we will be posting periodic progress reports for the community as part of the weekly "Friday Updates." **Complete.**

** Note that the order of the goals does not imply priority.*

Town of Durham
Year End Wrap Up for 2022
Todd Selig, Administrator
12/31/22

Reflecting on this past year as we move beyond the Covid-19 pandemic, Town staff, elected, and appointed officials have worked to address community needs, maintain transparency, integrity, and respect for one another, maintain the municipality's fiscal position despite competing pressures, and ensure long-term resilience.

Our Independent Auditor's most recent year-end audit (FY 2021) prepared by Melanson indicates strong financial health with no findings. In addition, Moody's Investors Services indicates that the credit position for Durham is very high quality. Our Aa2 bond rating is a little stronger than the US cities median of Aa3. Notable credit factors include a robust financial position, a very strong wealth and income profile, and an adequate tax base. It also reflects a small debt burden. The financial position of the Town was robust and identified as relatively favorable in comparison to the Aa2 rating assigned. These indices are all indicative of measured success in realizing the Town's fiscal goals.

Durham's weekly "Friday Updates" continue to keep the Town Council and members of the community informed of news and happenings in Durham. Nearly 3,500 individuals subscribe to this weekly broadcast. Our goal is to keep residents informed of local affairs so they may become engaged when issues are of interest/importance to them. Durham also continues to utilize its web site, Twitter, and Facebook presence in order to meet the demands of residents' changing preferences for information distribution. Look for a web site facelift in 2023.

Durham again received the top-ranking score in NH by the Human Rights Campaign's Municipal Equity Index relative to addressing LGBTQ concerns - 92 out of 100 points. We sponsored programming celebrating Indigenous Peoples' Day in 2019, 2020, 2021, and 2022. The Human Rights Commission also organized training around the topic of implicit bias in 2022 to give our citizen volunteer board members and staff additional skills to help make the organization as inclusive as it can be.

Durham Public Works and the Madbury Road Complete Streets Project Team are in the design phase for construction improvements to the approximately 8,200 lineal foot Madbury Road corridor, connecting Main Street in downtown Durham to Route 4. The Design phase is scheduled to continue

through 2022/2023 with the first phase of major culvert construction tentatively planned for the 2023 construction season. The Town was successful in obtaining substantial American Rescue Plan Act (ARPA) funding totaling over \$608,000 for these critical culvert and drainage improvements and continues to aggressively pursue funding for other project components, including water distribution system replacement, sewer collection system rehabilitation, and stormwater/drainage system improvements. The project team has advanced the design to address several of the issues that have been raised during two separate public forums, which include two main alternatives to address issues such as traffic calming, pedestrians, streetscape, sustainable design, and multimodal transportation.

The Durham Town Council voted 7-2 on September 13, 2021, to award a Final Design Contract to Vanasse Hagen Brustlin, Inc. (VHB) for removal of the Mill Pond Dam. Subsequently, the Town Clerk on October 18, 2021, certified a referendum petition to put the approval of the VHB final design contract to a vote of the residents of the Town of Durham. On November 1, 2021, following receipt of the referendum petition, the Council rescinded the initial September 13, 2021 contract approval that triggered the petition, and then awarded the project again but this time contingent upon the outcome of a referendum vote at the annual Town election on Tuesday, March 8, 2022. The question (Question 2) put before the voters of Durham was: *"Shall the Town reverse the action of the Town Council taken on November 1, 2021 to remove the Mill Pond Dam?"* The final referendum vote was: Yes - 596 (26%); No- 1706 (74%). The total number of votes cast on March 8, 2022 was 2365. The average turnout for a Town annual election over the last 10-years has been 1081. Subsequent to the vote, Town staff began pursuing external grant funding opportunities to support the cost of dam removal, working with the US Army Corps of Engineers and the NH Division of Historic Resources, as part of a Section 106 historic mitigation review, and planning initial engineering. It is anticipated the historic mitigation, design, wetland permitting, and contract development will be undertaken in 2023 with dam removal commencing in 2024.

As part of the 2021 Capital Improvement Plan (CIP) Durham approved a project to replace the Town's public safety core Land and Mobile Radio (LMR) communication infrastructure because it exceeds its scheduled end of life. The 2021 CIP allotted \$1,385,000 (Police - \$665,000 and Fire - \$720,000) in two lines for this project. The project was initially conceived as a direct replacement for the core infrastructure the Town purchased as part of transitioning dispatching service to the Strafford County Dispatch Center over a decade ago, but ultimately became a fully redesigned system to better suit Durham's needs. We were notified on September 30, 2022, by the US Department of Justice that the Town's application submission was approved, and funds were awarded under

the COPS Technology and Equipment Program for the LMR project in the amount of \$900,000. The \$900,000 in Federal funding will ultimately offset a significant portion of the \$1.3M overall project budget. The LMR project is now being built out over a twelve-to-eighteen-month period.

The Durham Police Department has long been certified by a professional external accreditation process through CALEA (www.calea.org) because it provides the Town with assurances that our department is engaged in providing best practices to Durham citizens as evidenced by ongoing inspections by an outside independent entity. CALEA accreditation also provides feedback from outside subject-specific professionals about new and innovative practices that may be applicable to the Durham community. With all of the national discussions surrounding police, we recognize locally that the delivery of services to the community must involve transparency and open opportunities for input and feedback. CALEA provides a comprehensive accreditation review providing a wide array of topical evaluations about the department's use of force, police discipline, bias, community engagement, and more.

This was again a busy year for Durham Parks & Recreation where the department carefully balanced the goal of offering a regular line-up of events and programs while continuously adapting plans and efforts around the ongoing challenges associated with Covid-19. Despite the challenges the department faced, it once again had a very successful year both financially and with program registrations. Welcoming aboard our first full time assistant director, Kellie DeSimone, put the department on a path to long-term sustainability.

Oyster River School District Superintendent of Schools James Morse and I continue to work to remain in regular communication with one another regarding issues of mutual interest/concern and have developed a strong and positive relationship. Construction of the new net zero, LEED Certified Middle School was a top priority and area of focus again in 2022, a project for which Durham modified traffic patterns around the facility along Dennison Avenue, Coe Drive, and Strafford Avenue.

Much work has been undertaken by Town Councilor Jim Lawson, the Energy Committee, the Town Council, and the Planning Board to date on a revamp to our zoning ordinance with respect to the topic of solar energy systems. After literally years of review, public hearings, and revisions, the Town Council is poised to take up the most recent suite of draft changes to consider in January 2023.

With the help of UNH Sustainability Fellows, Durham has completed our first Climate Action Plan (CAP), a requirement of the Town's membership with

the Global Covenant of Mayors for Climate and Energy. This plan outlines mitigation and adaptation actions, measure how much each action will contribute to Durham meeting its mitigation and adaptation goals and includes a plan for implementing the actions. Mitigation actions focus on reducing the Town's greenhouse gas emissions (GHG), while adaptation actions focus on adapting Durham to climate change impacts. The plan establishes a clear course of action for local efforts toward a reduction in GHG emissions of 2019 levels by 42.8% by 2030 and achieving zero emissions by 2050. Strategies were based on local community input as well as research into best practices being pursued in communities across the state, region, nation, and the globe. The Town will report on progress and update the action strategies every two years. It is important to note that while UNH and the Town are making concrete efforts to reduce their GHG emissions, it is largely up to community members whether or not we meet our goals.

The Energy Committee and staff have also made numerous strides in our local sustainability efforts, in particular shepherding an initiative for the Town to join the Community Power Coalition of New Hampshire (CPCNH) to work toward providing wider accessibility of green energy for our community's residential and business electric utility customers and working to assist Durham residents and business owners make the built environment more energy efficient, thereby reducing overall emissions.

The Integrated Waste Management Advisory Committee (IWMAC) and our DPW staff are working on a variety of initiatives associated with reducing solid waste generation, increasing recycling participation, and supporting composting. As part of our upcoming planned DPW solid waste collection vehicle replacement program in 2024/25, we are contemplating a transition to a volume-based collection system in which each household would be issued a standard size solid waste collection container for trash and another for recycling. DPW would then accept solid waste -- limiting trash materials collected curbside to what can fit within the issued standard-size receptacle -- utilizing new collection vehicles equipped with hydraulic arms to grab and dump each container, thereby encouraging less solid waste household generation, enhancing recycling, and reducing employee exposure to potential lift, poke, and strain injuries. A new "Sustainable Durham" branding campaign spearheaded by the IWMAC but available for use for other sustainability-related initiatives is also under way for a 2023 launch.

A number of high-profile applications were concluded by the Planning Board in 2022: a new project at 74 Main Street was approved; a new subdivision off Gerrish/ Ambler was approved, appealed, remanded back to the board, approved, and appealed again; the long-standing application for redevelopment

of the Mill Plaza was denied; and a parking lot proposal on Church Hill at 19-21 Main Street was denied. Each of these projects has demanded significant time and energy by the Planning Board, citizens coming to express their perspectives, applicants, and staff – with three of the four involving court proceedings on appeal.

Following the breaking of ties with Elliott Sidewalk Communities concerning the redevelopment of 66 Main Street, we currently plan in 2023 to think anew about how the Town might want to move forward with a redevelopment at this strategically placed downtown Durham parcel.

The Housing Task Force has been working to identify, analyze, and advocate for a more balanced and diverse supply of housing in Durham. An initial set of recommendations was sent by the Task Force to the Planning Board for initial review, resulting in significant community engagement there. The Housing Task Force will continue to evaluate this issue and work to refine its recommendations.

Plans are being developed for an historic renovation/refurbishment of the Bickford-Chesley Farmhouse at Wagon Hill Farm. Roof replacement and soffit work is planned in 2023. More significant historically-appropriate renovations are being developed to protect the entire building envelope from further water damage, improve deteriorating interior spaces, and create a caretaker apartment on the second floor with historic display and meeting space on the first floor. We also anticipate pursuing additional NH Land and Community Heritage Investment Program (LCHIP) funding in 2023 to support a portion of the total project cost with renovations likely in 2024.

Durham completed work with the Strafford Regional Planning Commission (SRPC) in early-2022 utilizing NHDES funding to study the potential impact of sea level rise on fresh water private wells within the community. It was an interesting initiative focusing on an issue that, until now, has literally been out of site and out of mind. And ongoing work on the new Climate Adaptation Chapter of the Durham Master Plan and an update to our 2017 Hazard Mitigation Plan are also under way.

Projected sea level rise will contribute, in the years ahead, to the gradual inundation of coastal areas. A new living shoreline (Phase I) at the Town's Wagon Hill Farm was completed in late 2019, affording Durham 350 feet of shoreline re-graded, armored with natural hard and soft-scape materials, and planted to restore the salt marsh and tidal buffer that had eroded over time. It's a project that took 4+ years of design and close collaboration between the Town, State/Federal regulators, the NHDES Coastal Program, the Harbor Master, the

Strafford Regional Planning Commission, and UNH environmental researchers utilizing around \$500,000 in local and state grant funds. It has become a regional demonstration project for living shorelines, and an additional \$213,765 was targeted for 2021/2022 utilizing monies negotiated with Eversource, along with matching funds from a highly competitive National Fish & Wildlife Foundation grant, to continue to make shoreline stabilization enhancements at the property (Phases II and III) and beyond within the Great Bay region. We anticipate the next phase, utilizing some of the same pots of money, to take place within the 2023-25 timeframe.

Durham is working closely with the City of Portsmouth to ensure Portsmouth's access across Wagon Hill Farm to their water line crossing Little Bay is undertaken with as little disruption as possible to the property and the quiet enjoyment thereof by residents.

We have painstakingly worked over many years to create a municipal water system that is inherently resilient in order to reliably provide approximately 1.2 million gals/day of water to both town and campus. Together, Durham/UNH operate four water sources, one of which utilizes an artificial recharge system pumping raw water from the Lamprey River to our Spruce Hole Aquifer in Lee during times of plentiful flow, increasing our reserves for drought conditions. This, combined with a new \$20 million Water Treatment Plant on the UNH campus (funded 100% by UNH) deploying state of the art technology - places the combined Durham/UNH community in a very sustainable position in the face of anticipated climate change.

The Town and UNH, through the joint administrative Water, Wastewater, Stormwater, and Roads Committee, continue to address a multitude of Town/Gown items to include efficient operation of our water combined system as described above, focusing attention on water quality deficiencies within the Great Bay Estuary (nitrogen) as identified by the NHDES and the EPA, meeting EPA wastewater and stormwater MS-4 mandates under our EPA Total Nitrogen General Permit, maintaining a required NHDES backflow prevention program, general water/sewer infrastructure, the Lee water line extension in coordination with the NHDES (completed in 2022) to address MBTE contamination at the Lee Traffic Circle, and more. Residents should understand that on the front lines of our utility infrastructure both on and off campus, the Town and the University are joined at the hip and work seamlessly together.

Through the efforts of Tom Brightman (who took the reins in early 2021 from Ellen Snyder), our part-time contract Land Stewardship Coordinator, and the Land Stewardship Subcommittee of the Conservation Commission, the Town continues to make significant inroads in actively managing the numerous lands

and easements under the Town's stewardship. The Council also established the Durham Town Land Stewardship Patron's Trust back in 2018 to enable citizens or organizations to donate money to support our local conservation land management efforts, rather than relying solely on tax dollars for this purpose. These monies, as well as the Conservation Fund under the oversight of the Conservation Commission, have provided an ongoing source of modest funding to move targeted stewardship initiatives forward. Tom Brightman notified the Town of his upcoming departure from the position in December 2022 and Durham resident Sara Callaghan was contracted to take the reins from Tom beginning in January 2023.

The State requires all real estate within a municipality to be reappraised (revaluated) at least every five years (per RSA 75:8-a) for property tax purposes, so assessments are at their full and true value. To keep in compliance with this law, we have contracted with Municipal Resources, Inc. (MRI) to reappraise all residential and commercial properties in Durham for tax year 2023. The project is being completed over a two-year period. There are five major phases to a full revaluation: Data Collection and Sales Review, Market Analysis, Valuation, Field Review, and Informal Hearings. During the summer of 2022, the data collection phase of the project began where staff members from MRI began to measure the exterior, and inspect the interior, of all structures in Durham to make sure the data regarding each property is accurate. A statistical update will be completed in 2023 to bring all properties with updated physical data to full and true market value. We greatly appreciate the cooperation of every property owner.

I would like to formally acknowledge our small but mighty Team of Town employees within public works, police, fire, planning, zoning, town clerk/tax collector's office, informational technology, Durham Community Access Television, and more — all outstanding people, working hard with finite resources to meet the needs of a demanding citizenry with high expectations for exceptional service delivery at the local level. Our Town Council is comprised of thoughtful, hard-working, and dedicated individuals with varied backgrounds and perspectives. The Council, along with the benefit of ongoing public feedback and active involvement by dedicated citizens on local boards, committees, and commissions, all contribute to ensuring Durham remains a strong, vibrant, and welcoming community. It's a Team effort.